

Planning Committee – 5th April 2022

Item 1 (Cont'd)

Application Number:

2022/0249/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2022/0202/ADV	Installation of one 6.1 metre high flagpole and associated eco flag	APP	11.03.2022
2022/0249/FUL	Residential development (up to 101 units) with vehicular access from Aneurin Way and cycle/footpath access from Parkway, with drainage attenuation; landscaping / green infrastructure and associated works	PDE	

APPRAISAL

Introduction

The application is being reported to Planning Committee as the development is a major development of more than 20 dwellings.

Full planning permission is sought for the residential development (101 units) with vehicular access from Aneurin Way and cycle/footpath access from Parkway, with drainage attenuation; landscaping / green infrastructure and associated works on land currently used as playing fields at Olchfa Comprehensive School.

The proposal will provide 101 dwellings, encompassing a variety of house types consisting of a mix of 1, 2, 3, 4 and 5-bed homes, which provides a broad mix to ensure a sustainable and balanced community. The proposed dwellings will be oriented along a new estate road as indicated on the proposed site layout plan.

The submission of the application follows the Cabinet decision on 16 June, 2016 in respect of the Disposal of 'Surplus' land on School Sites - Olchfa Comprehensive School, which resolved that the land be declared as surplus to requirements, subject to the provision of an artificial games surface being funded from the proceeds of the sale. More recently, Cabinet resolved in May, 2021 to dispose of the surplus land at Olchfa School

Application Site Context

The application site is located within the Sketty Park area, and the land itself is currently used as grass playing fields as part of Olchfa Comprehensive School and partly used as a red gravel hockey pitch and concrete tennis courts.

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The proposed development site benefits from a frontage onto Aneurin Way and is flanked to the west by a vehicular and pedestrian access to the school and the completed Coed Fan residential development beyond (which was formerly part of the school grounds). The site is bounded to the existing school buildings to the north and by the existing residential properties to the east along Parkway and Anuerin Close. The application site includes the existing Parks depot along Aneurin Way which will be demolished / removed as part of the development. The L shaped site measures approx. 3.18ha retaining an area of 20.45 acres (8.25ha) centred on the existing school buildings together with an area for a retained playing field requirement.

As part of the proposals to dispose of the 3.18ha site, an artificial games surface i.e. 3G facility is to be provided to the west of the site. This will be provided with floodlighting in order to allow maximum community usage. Planning Permission to improve pitch facilities with a new synthetic pitch on land remaining within the school boundaries was approved under application ref 2020/0106/FUL.

The site is located to the north of Aneurin Way and the site will obtain vehicular access into the site will be via a formal access off Aneurin Way, which lies immediately adjacent to the School Bus Drop Off. The site is situated within close proximity of several local community facilities within walking distance such as a pharmacy, convenience store, public house, restaurants a primary school and of course the adjoining Olchfa comprehensive school. The site is accessible via public transport by virtue of a bus stop, which immediately adjoins Aneurin Way to the west of the proposed access into the site.

The design context is provided by the existing the housing along Aneurin Way which consists primarily of terraced housing whilst the more recent development at Coedfan consists of detached dwelling houses. Housing along Parkway primarily consists of semi-detached and terraced housing and there are high-rise flats to the north of Parkway.

Response to Consultations

Pre-application Consultation - PAC

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

Statutory Consultation

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices (14th February 2022) and neighbouring properties in Parkway, Aneurin Way, Aneurin Close and Coedfan were consulted directly.

71 LETTER OF OBJECTION has been received making the following comments:

- The removal of run-off water and sewage from an additional 100+ houses will compromise existing problems with waste water and sewage.
- Over intensification of the development, no consideration for school bus/coach parking (on Site) and student collections which really congest the traffic and the poor/inferior access onto Aneurin Way.

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- Poor access to the development - parking is a serious issue in Coedfan, with vehicles parked up onto the pavement etc on certain sections and no visitor parking because of insufficient road/layby parking.
- Access Aneurin Way from the proposed tight road junction/site access will be extremely difficult and an accident blackspot - especially with children coming out of school, park Coaches and aggravated parent parking.
- The road statistics used have been taken during Covid and are likely to be only 50% of the usage prior to the Covid Pandemic.
- Very few of the house types have garages or even space for a garage to be built meaning that the development can be unduly intensified but also causing visual and ascetic damage by rows of parked cars blotting the landscape.
- Materials, it is stated that the Bradstone rockface, artificial slate etc are locally sourced? Not sure about that?
- The Coedfan was some 5.3 acres and provided just under 0.75 acres of open space at the entrance and the internal Green Space - on this basis this proposed site 7.85 acres should be offering at least One Acre of public open space not just the 2 small Attenuates - wet lands to aid surface drainage.
- The ground geology offers little in drainage via the soil - no sewerage ground water should enter the Coedfan drainage system which is already overloaded.
- 101 properties is excessive for the size of this land. The density of buildings will likely increase noise disturbance and negatively affect mine and my neighbours' lives as we live directly opposite the proposed building site.
- These plans do not allow for enough green space.
- The entrance is located opposite residential street parking, with little turning room, alongside awkward speed bumps and with poor visibility.
- School children need playing fields, these are currently used so are not "surplus" at all. Once sold off and developed, this green space would be lost forever to students, the community and the wildlife that uses it.
- Environmental impact - the loss of this green space will have a significant impact on air quality from release of carbon currently held in the turf, as well as the loss of flora and fauna.
- 101 properties will mean a minimum of 350-400 new residents who all require access to GPs, dentists, schools and other amenities; facilities which are all already strained in this area.
- As a former pupil and former teacher at Olchfa school, there are many reasons why this development should not go ahead - at least not as currently is planned.
- The loss of this land to pupils and teachers has the potential to have huge negative impacts to wellbeing and education.
- There are huge safeguarding and health and safety implications. If the Aneurin Way entrance remains open to pupils, they are in danger of multiple vehicles passing by all the time during the build, as well as many workers, builders etc being in such close proximity to the school ground at all times.
- Loss of green space such as this also has huge environmental implications. Grass land such as this sequesters massive amounts of carbon dioxide.
- Noise from the site will hinder children's lessons.

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- Noise will also increase across the estate. We can already hear children playing from Olchfa and Parklands so the noise from heavy machinery and construction is going to be excessive, especially more of a problem for night shift workers like myself and others.
- There are several very close proximity elderly residential homes/complexes. This noise could be terrifying for them.
- Capacity of local schools and facilities being stretched too far.
- Sketty does not need another development of unaffordable homes!
- 101 properties is excessive for this small area of land, will likely increase noise disturbance and has limited green space and parking provision.
- 200+ cars and extra vehicles, visitors, tradespeople (HGVs and works vehicles during the build) entering a small, single entrance with poor access to the main road, at a very tight and already busy bottleneck section of Aneurin Way
- The site entrance is located opposite residential street parking, with little turning room, alongside awkward speed bumps and with poor visibility due to road parking.
- the bus/coach stop/lay-by for student collection/drop off completely removed with no alternative viable currently offered
- The plans do not make clear whether the school's Aneurin Way entrance will remain open. Given its immediate proximity to the development, remaining open would create a safeguarding issue for students next to a busy building site / housing development. Closing it would push the problem of student drop off & collection onto the two other already extremely busy school gates on Parkway and Gower Road, and their adjoining streets
- School children need playing fields, these are currently used so not "surplus to requirements" at all. Once sold off and developed, this green space would be lost forever to the students, community and wildlife that uses it
- Environmental impact - loss of green space, impact on air quality from release of carbon currently held in the turf, loss of flora, fauna and wildlife habitat. Significant drainage and sewerage issues that will likely impact neighbouring houses & risk flooding in Clyne Valley.
- 101 properties is a minimum of 350-400 new residents who all require access to GPs, dentists, schools, roads and other amenities; facilities which are all already strained in this area.
- The nearby school of Parklands Primary has already had to be extended to accept more children from the catchment area and this proposed development will bring even more when the school is already full to bursting.

Comments on behalf of Swansea Wheelrights:

- there are a number of private roads where no provision for pedestrians or cycles is provided i.e. no pavement or cycle path. All access roads on the estate should have pavements on either side.
- On the other estate roads the pavements are not raised and therefore it is highly likely that they will be used for car parking - forcing pedestrians onto the road. All pavements should be raised, with dropped kerbs, to prevent cars from driving and parking on the pavements.
- No linkages to existing cycle paths in the surrounding area are provided. A cycle path should be created to form a link from the estate entry/ exit points to the existing cycle paths in the vicinity.

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- The nearest bus stops are 400 metres distant from the access points onto the estate (except for a bus stop which is 100 metres away for extremely infrequent bus services). This is too far for elderly people, people with a disability or parents with small children. The developer should liaise with First Cymru to provide additional bus stops to decrease the distance from the development to a bus stop which serves the most regular services. Also the proposed provision for school bus parking should be improved (the suggestion to share the service bus bay appears inadequate).
- The developer acknowledges that the average speed on Aneurin Way is 25 mph, significantly higher than the 20 mph limit. Any speed above 20 mph is a disincentive for pedestrians and cyclists. The developer should fund speed restriction measures in liaison with the Council - speed camera or a 'slow down'/ electronic signs.
- Vehicle flows were taken at October 2021 when schools were not fully open, leisure and cultural facilities were not fully open, and working from home was mandated. This therefore represents a significant under reporting of vehicle flows. The developer should be asked to re-do the vehicle flows now that schools have re-opened, and the figures should be adjusted upwards to reflect the fact that working from home is still in operation and social events are still not up to pre Covid numbers.
- It is stated that secure cycle storage is provided within the curtilage of each property. However no such provision is apparent from the plans. The garages are not large enough to accommodate cycles and a car and not all properties even have a garage. Dedicated cycle storage sheds/ covered cycle racks should be provided within the curtilage of each property.
- It is stated that short stay cycle storage will be provided where appropriate. This should be planned from the outset and Sheffield stands provided throughout the development.

Dwr Cymru Welsh Water -

We note that our consultation response has been acknowledged in the accompanying Pre-Application Consultation (PAC) Report, which highlights that foul water flows can be accommodated within the public sewerage system whereas surface water flows will be subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore require SAB consent. As per our PAC response, with respect to the accompanying 'Preliminary Drainage Strategy Plan', we acknowledge proposals to dispose foul water flows to manhole reference SS61923701 which we consider acceptable in principle.

Natural Resources Wales -

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Pollution Prevention

The proposed site is located approximately 230 metres from the Nant-yr-Olchfa watercourse. Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste during the construction phase.

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

European Protected Species

We note that the Ecological Appraisal (Morganstone, Olchfa School Fields, Sketty - Preliminary Ecological Report, by Bay Ecology, dated 18/10/2021, Document Ref: Doc 01-18/10/2021) identified one building on site and concluded that it had low potential for bats, and that one emergence survey of this building was undertaken in October.

The report states that an endoscope was used to inspect crevices within the building, but this was limited as the crevices 'went further back than the length of the endoscope'. It is also not clear from the report whether bats could potentially gain access to the flat roof structure via the missing fascias.

Best Practice guidelines advise that where a building has been assessed as having low potential for bats, additional survey work is required to sufficiently demonstrate that the structure is not in use by bats, to consist of at least one activity survey (dusk emergence) carried out between May and August inclusive.

Given the timing of the inspection and subsequent endoscope inspection and the emergence survey, we advise you speak with your Local Planning Authority (LPA) ecologist as to whether additional survey work would be required in this case.

Glamorgan Gwent Archaeological Trust -

Information in the Historic Environment Record shows the area has no recorded archaeological or historic environment features. Historic mapping sequences show the area as fields.

However, we note that the immediate area has been considerably altered during the creation of the sports facilities and drainage, and it is our opinion that it is unlikely that archaeological deposits would be encountered. However, the Record is not definitive, and should any archaeological features be encountered please contact us as this may require mitigation.

Nevertheless, as the archaeological advisors to your Members, we have no objection to this application.

Sport Wales

No response received to date.

Designing Out Crime Officer -

I am generally pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked. The only concern I have is the cycle way /footpath that is proposed to run adjacent to plot 85. Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. They must not undermine the defensible space of neighbourhoods as this proposed link does.

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Routes must not ideally be segregated from one another or provide access to rear gardens as such paths have been proven to generate crime. Paths ideally should be 3 metres wide. Therefore this proposed cycle path/ footpath should be designed out as on other developments such connections have caused issues with anti-social behaviour and crime. Entry onto the estate must be restricted to the designated routes.

The LAP areas should be located where they are afforded good natural surveillance from residents to provide protection for the young children using the areas (as per drawings). Ideally these play areas would be protected by railings/fencing to prevent vehicular entry and they should be locked out of hours.

Vehicle parking should be within curtilage and must be overlooked preferably by rooms in the properties ideally, that are usually occupied e.g. living rooms, kitchens. During the hours of darkness, the bays must be well illuminated, and they must enjoy good natural surveillance from the properties with unobstructed views.

Housing -

Agreed the attached layout including tenure split, property type and size. The onsite provision is 35% and the affordable housing must be built to WDQR standard and transferred to an RSL.

Arboricultural Officer -

No objection.

Some of the trees could be affected by construction but the suggested protective measures will mitigate this. To ensure that the tree protection plan and arboricultural method statement is followed please could you condition adherence to it.

Pollution Control

No response received to date.

Education Department -

Catchment Schools, capacity and projected capacity

The development is in the Sketty Ward, and the catchment schools are:

- Parkland Primary
- Olchfa Comprehensive
- YGG Brynymor
- YG Gwyr

Position of capacity:

Primary:

English-medium: the EM primary school (Parklands) currently has a small amount of capacity of 14 places, which only provides 2.67% spare surplus capacity which is below the recommended 5% surplus capacity needed to allow the school flexibility.

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Welsh-medium: the WM primary school (YGG Brynymor) currently has 26 surplus places (10%) and this is expected to remain unchanged in the forecasted September 2027 capacity projections.

Secondary:

English-medium: the EM secondary school (Olchfa), currently has a deficit of 34 pupil places and this deficit is predicted to increase to a shortfall of 65 pupil places in the forecasted September 2027 capacity projections.

Welsh-medium: the WM secondary school (Gwyr) currently has 158 surplus (12.41%) surplus spaces, but this is predicted to change to a deficit of 159 spaces by September 2027.

Requested Contribution:

Primary: A full developers contribution is requested for the EM primary school (Parklands) of £377,500.00 plus indexation, as there is insufficient capacity in the school to accommodate this development currently and even with the predicted number of surplus spaces in September 2027 increasing this is still not enough space to allow for the recommended 5% surplus capacity in the school. No contribution is requested for WM primary education as there currently are sufficient spaces in the school to accommodate this development.

Secondary: a full contribution for the EM secondary to include the post 16 contribution as the comprehensive school (Olchfa) is an 11-18 school. So the requested contribution from this development for Olchfa is £466,528 plus indexation as there is currently a deficit in capacity and this deficit in pupil places is predicted to increase. There is no request for a developers contribution towards the WM secondary school (Gwyr) as there is currently sufficient capacity in the school to accommodate this development. Whilst the school is predicted to have a shortfall of 159 places by September 2027, this prediction does not take into account the additional capacity that is currently being added to the school as part of the 21st Century Schools project.

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.

Local Highways Authority -

Previous comments have been provided, both to the full application and previously at PAC stage. The applicant has submitted further information to address these previous comments are included below, and this response will deal with the amended plans.

Access

The entry radii have been altered and it has been demonstrated via swept path analysis that 2 vehicles are able to pass on the receiving arm of the new junction.

Internal Layout

Concerns were raised over the two 90 degree bends on the main spine street, the street design has been amended to soften the bends, and revised SPA shows 2 vehicles are able to pass with a margin for safety along the length of the side road.

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This provides comfort that visitor parking will be able to take place on street, whilst maintaining sufficient space to allow vehicles to pass safely.

Forward visibility plots have been provided for all bends which demonstrates that the whole of the visibility envelope is contained within land capable of being dedicated as highway.

Drainage

The applicant has provided cross sections to the attenuation areas, this shows the proposals are outside the zone of influence of the highway. Adequate access to all areas for men, materials, plant and equipment must be provided to enable maintenance of the structure and allow for its replacement without affecting the operation of the highway.

The precise drainage arrangements are subject to a separate SAB application, however it is thought there is sufficient space within these areas to develop a satisfactory solution, and the Highway Authority remains a consultee to this separate consent.

Recommendation

In view of the design revisions detailed above, and the separate required drainage consent, the Highway Authority recommends no objections are raised to the application subject to the requested conditions below:

Conditions:

- i. Prior to commencement of development details of the proposed access works to the highway shall be submitted to and approved in writing by the Local Planning Authority the Swansea Council Development Management Team under an agreement under section 278 of the Highways Act (1980)

All access works relating to the highway Aneurin Way, 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.

- ii. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of Highway Safety.

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

Reason: In the interests of Highway Safety.

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Strategic Planning and Placemaking Appraisal -

Overview

This is a full planning application from Westacres Ltd for residential development (101 units). The L shaped site is located within the urban settlement and bounded by school playing fields and residential properties. The development is proposed to have vehicular access from Aneurin Way and cycle/footpath access from Parkway, with drainage attenuation; landscaping / green infrastructure (GI) and associated works. The applicant engaged with the LPA at pre application stage.

Principle of Development

The land was formerly part of Olchfa School. A 15th March 2018 Council Cabinet report concluded that the land is surplus to requirements of the school, subject to the provision of a new artificial games surface facility being funded by the Council. A separate planning application to improve pitch facilities with a new synthetic pitch on land remaining within the school boundaries was approved under application ref 2020/0106/FUL.

The site is unallocated 'white land' in the adopted Swansea LDP and is located within the urban settlement area. In principle, the LDP (Policies PS 1 and PS 3) supports windfall residential development at appropriate sites within settlements. The principle of residential development on this site within the settlement boundary is considered acceptable subject to compliance with various policies of the Development Plan that must be applied when assessing the detailed merits of the proposed scheme (as set below). In particular with respect to placemaking, layout and design, the site has a sensitive edge with residential developments along the western, southern and eastern boundaries.

Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.
- Swansea LDP Policies PS 2, ER 2 and SD 2 highlight that:
- all proposals must deliver a comprehensively planned, sustainable neighbourhood with a distinct sense of place that is founded on a comprehensive and coherent Placemaking approach that relates to a masterplan for the entire site.
- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and

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- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource

The following SPG provides important guidance on how key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals:

Placemaking guidance for residential development.

Having regard to the above policy and guidance related to placemaking issues, the following points are made by the Council's Placemaking and Heritage Lead Officer:

- The proposed development for 101 homes includes a range of sized dwellings, from 1-5 bedrooms.
- The site is considered to be a sustainable location for residential development, located within an existing community and in close proximity to a local centre and public transport provision.
- The proposed density is approximately 32 dwellings per hectare (101 homes on approx. 3.2ha). This is slightly below the 35 dwellings per hectare target set in LDP Policy SD2 Masterplanning Principles but considered acceptable on the basis of an appropriate layout and mix of house types.
- The layout has a well-defined main street lined by active housing frontages. The dominance of frontage parking in the mews areas of smaller homes is softened and broken down by planting. The proposed house types have a positive contemporary appearance including ground floor bay windows, gabled frontages, grey windows, use of stone cladding. The smaller and affordable homes have consistent details with the larger properties including quality of materials to ensure visual integration.
- The scale of houses (all are two stories) integrates with the existing context and the offset along the east and south boundaries ensures adequate separation in terms of overlooking, overbearing and overshadowing.
- GI is integrated at street level as a drainage attenuation area and swales with meadow planting within the streetscene. Following discussions with the LHA it has been concluded that tree buildouts cannot be incorporated into the carriageway on this site due to the proposed street layout, including the forward visibility achievable on the meandering street. The proposed GI approach at street level is instead for substantive areas of planted green verge on key parts of the main street (to be to adopted standard), together with larger trees and hedges being proposed for private front gardens. The layout allows for large enough front gardens on certain plots for these large trees and hedges to become established. Any large tree species within private areas will need to be TPO'd. Overall there is considered to be a positive integration of GI at street level.
- Two Local Areas for Play (LAPs) are proposed for younger years play within informal community spaces at either end of the site. This is welcomed as part of the multi-functional approach to GI. The detail of LAP provision can be agreed via condition.
- The layout includes an active travel link to the east onto Parkway which is welcomed to access public transport and local centre facilities. The redline site boundary on the Site Location Plan reaches across to abut the pavement on the west hand side of Parkway to enable this active travel link.

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- However, not all of the plans are consistent, eg the Site Development Plan and the Phasing Plan both only show the link extending as far as a point to the north west of the existing car park and do not link all the way through to Parkway as allowed for in the redline boundary. Therefore, the provision of the full link through to Parkway is not shown as part of phase 1B so it will need clarification and a trigger to ensure delivery of the link in full all the way to Parkway before any work on phase 2A.
- During pre-application discussions with the applicant, the LPA and Housing Dept emphasised the importance of ensuring there were not unacceptable concentrations of affordable housing units within parts of the site. The mews areas in particular have been raised as areas to ensure there is a range of tenures. There does not appear to be a plan submitted highlighting the location of proposed affordable housing units so it is not possible to confirm if this issue has been resolved.

Overall the layout is considered to address the requirements of the relevant Development Plan in respect of placemaking policies, and also accords with the Council's adopted Placemaking Guidance for Residential Developments.

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

The Council's Biodiversity and Development SPG sets out how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

Other Key Issues

Affordable housing - The site is located in the West Strategic Housing Policy Zone. Under LDP Policy H 3, a typical windfall site of this scale in this zone would be expected to achieve a minimum of 35% affordable housing. Where affordable housing is provided it should be integrated into the overall development and should not be obviously segregated through location, layout or design.

Applicants are required to demonstrate how proposals contribute towards the objective of creating sustainable balanced communities. It is unclear from the submitted documents what the proposed affordable housing provision is, in terms of the number, type and location. Further clarification is therefore required. The Council's review of the financial viability of the scheme has demonstrated that the site is able to provide a fully policy compliant number (i.e. 35) affordable homes on-site.

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Drainage - It is noted that the Council's Drainage Officer has raised concerns due to the proximity of drainage features to the highway. Should the proposals require any element of re-design to address drainage matters, the potential related placemaking implications of any such changes will need to be reviewed.

Highways - it is noted that the Transport Statement proposes that the existing school bus drop off bay along Aneurin Way will be relocated to the west of the existing school access to share the existing bus layby with arrangements made by the council to ensure there are no conflicts between the regular bus services and school buses. Comments should be sought from the Council's Highways Officer with regard to parking and highway safety issues including the school bus arrangements.

Education and other Planning Obligations - The development would be expected to mitigate any impacts on local schools, and other infrastructure, in-line with the relevant LDP Policies.

Final Comments

The Council has resolved that the land is surplus to requirements of the adjoining Olchfa School, subject to the provision of an artificial games surface being funded by the Council. A separate planning application to improve pitch facilities with a new synthetic pitch on land remaining within the school boundaries was approved under application ref 2020/0106/FUL. The site is considered to be a sustainable location for residential development, being centrally located within an existing community and in close proximity to a local centre that provides day to day facilities, and near public transport provision. Therefore, the principle of residential development on this site within the settlement boundary is considered acceptable subject to compliance with the various policies of the Development Plan identified in the above appraisal, which must be considered in combination when assessing the detailed merits of the proposed scheme.

Overall the layout is considered to address the placemaking requirements of the Development Plan, and accords with adopted Placemaking Guidance for Residential Developments, subject to the following being addressed:

- Further information is required regarding the proposed affordable housing provision on-site due to the lack of information submitted. The target in this area is a minimum of 35% of the dwellings to be affordable housing, which should be integrated into the overall development and should not be obviously segregated through location, layout or design.
- Conditions are required to address the following:
- Materials
- Large scale drawn details such as bays, window surrounds, entrance canopies, gable verges etc
- A trigger is needed to ensure the full active travel link to Parkway is delivered in full and is useable before any work starts on phase 2A (the phasing plan only shows delivery of the link to a point north west of the existing car park and the link is not shown to extend in full all the way to Parkway in a way that is consistent with the site redline boundary and previous discussions).
- Detail of Local Area for Play (LAP)

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The proposed GI approach at street level is for substantive areas of planted green verge on key parts of the main street (to be to adopted standard), together with larger trees and hedges in private front gardens. Any large tree species within private areas will need to be TPO'd.

Comments will need to be sought from the Council's Highways Officer with regard to parking and highway safety issues including the proposed relocated school bus drop off arrangements.

PLANNING APPRAISAL

Planning Application

The planning application has been supported with the following documents:

- Planning Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Tree Report
- Transport Assessment
- Green Infrastructure Strategy
- Drainage Strategy
- Site Investigation
- PAC Report

Material Planning Considerations

The main material planning considerations in the determination of this planning application are set out as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Highways, traffic, car parking, access and pedestrian movements;
- Drainage Strategy.

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

Development Plan Policy and Supplementary Planning Guidance

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

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

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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Planning Policy Wales (11th Edition - February 2021)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government.

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

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

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

Paragraph 3.4 notes that meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Adopted Swansea Local Development Plan 2020-2025

LDP - PS1, PS2 and PS3 - Sustainable Places, Placemaking and Place Management, and Sustainable Housing Strategy provide for the delivery of new housing within sustainable communities locations within defined settlement boundaries of the urban area and development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP Policy PS2 stress the importance of Placemaking and Place Management and provides the context of the detailed layout. 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.

As indicated in the Strategic Planning and Placemaking comments above, the site is unallocated 'white land' in the adopted Swansea LDP and is located within the urban settlement area. In principle, the LDP (Policies PS 1 and PS 3) supports windfall residential development at appropriate sites within settlements. The principle of residential development on this site within the settlement boundary is considered acceptable subject to compliance with various policies of the Development Plan that must be applied when assessing the detailed merits of the proposed scheme.

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. LDP Policy H2 seeks to deliver a minimum 3,310 affordable homes over the Plan period by setting targets for on-site provision of affordable housing to be delivered as part of residential proposals where appropriate and viable. Whilst LDP Policy H3 states that proposals include residential development on sites within settlement limits with capacity for 5 or more dwellings should provide affordable housing on site at the following target percentages, subject to consideration of the financial viability of the proposal; and within the Swansea West Strategic Housing Policy Zones area the target percentage is 35%.

The proposals make provision for on-site affordable housing in line with LDP Policy H3, and specifically accommodates a total of 35 no. affordable housing units comprising a mixture of 12 apartments and 23 dwellings providing social rented (21 total) and low cost home ownership units (14) and have been agreed with the Housing Officer. The affordable housing is integrated into the overall development. These would need to be built to WQDR.

Education Contribution

LDP Policy IO 1 in respect of Supporting Infrastructure states that development must be supported by appropriate infrastructure and facilities and other requirements considered necessary as part of the proposal. Proposals will be required to satisfactorily demonstrate that:

- i. existing provision is safeguarded and capacity is sufficient to support the proposed development; or
- ii. where there is a deficiency in provision or capacity directly related to the proposal, arrangements are in place to support the development with new or improved infrastructure, facilities or other measures.

Moreover, LDP Policy SI 3 in respect of education facilities, states that where residential development generates a requirement for school places that cannot reasonably be met by schools in the relevant catchment area(s) because;

- i. School capacity would be exceeded by demand; and/or
- ii. there is a surplus capacity to accommodate some or all of the projected number of pupils generated, but investment is required to make the existing facilities fit for the purpose of accommodating the additional pupils, developers will be required to either:
 - A. Provide land and/or premises for new build Primary or Secondary Schools, having regard to the scale and location of the development; and/or,
 - B. Make appropriate financial contributions towards the costs of providing new or improved Primary and/or Secondary School facilities.

Where necessary, planning obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable, which will include addressing any identified deficiencies in provision or capacity directly related to the proposal.

In accordance with the Planning Obligations SPG, in considering proposals for development the Council will, where appropriate, ensure that the necessary improvements to local school's infrastructure are properly met through developer contributions.

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Developer's contributions will be sought where there is potential to increase demand on local schools beyond their existing capacity or existing surplus capacity is of unsatisfactory standard and would require investment to make it suitable for children generated from the proposed development.

The Education Department has outlined the catchment schools together with projected capacity and in line with the Section 106 Planning Obligations SPG seeks a developer contribution of £377,500.00 in respect of Parkland Primary School as there is insufficient capacity in the school to accommodate this development currently and even with the predicted number of surplus spaces in September 2027. Additionally, a contribution in respect of Olchfa Comprehensive School is sought for £466,528 as there is currently a deficit in capacity and this deficit in pupil places is predicted to increase. The total education contribution of £844,028.00 would be secured through a Section 106 Planning Obligation.

Protection of Open Space

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

- i. It would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or
- ii. The substantive majority of existing open space provision on the site is to be retained and enhanced as part of the development and the functional use of the facility would be unaffected; or
- iii. The development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location; or
- iv. A satisfactory financial contribution to compensatory provision is provided towards an acceptable alternative facility.

For the purposes of the Plan, open space is defined in accordance with guidance within TAN 16 Sport, Recreation and Open Space (2009). This includes 'Fields in Trust' (FIT) provision such as playing fields, equipped children's play areas, outdoor sports facilities, informal recreation or play space and accessible natural greenspace.

Additionally, LDP Policy SI 6 states that 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.

Planning Policy Wales states (4.5.4) states that all playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available locally, avoiding any temporary loss of provision; or
- there is an excess of such provision in the area.

Planning authorities (4.5.5) should protect playing fields and open spaces which have significant amenity or recreational value to local communities from development. They should indicate the ways in which previously developed or disused land and water bodies can be used for sport and recreation uses, particularly in relation to urban regeneration.

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Planning authorities (4.5.6) should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use. 'Beyond the Six-acre Standard', produced by Fields in Trust, is a source of helpful advice to planning authorities on providing open space and outdoor sport and play through the planning system.

Technical Advice Note 16: Sport, Recreation and Open Space (TAN16) advises that the objectives set out in PPW can best be achieved by undertaking local assessments of need and audits of existing provision. These assessments, taken together, form an Open Space Assessment. TAN 16 advises that only where it can be clearly shown that there is no deficiency, should the possibility of alternative development be considered.

The calculation of outdoor play space (as referenced in the Planning Obligations SPG) was referenced in the Cabinet Report and indicated that the Open Spaces Assessment for the Sketty Ward has 11.5 ha of Fields in Trust (FIT) provision per head of population which exceeds the recommended target of 2.4 ha per 1000 population. Based on this information it was concluded in the Report that the disposal of the school playing fields would not have a detrimental impact on the open space assessment for the area. However, it also states that there is a lack of equipped play areas within the Ward and it was acknowledged that a key component of this proposal is the delivery of the artificial games surface (i.e. 3G facility) being funded from the proceeds of the sale, however, there is also the opportunity for this development to address the equipped playground deficiency.

Supplementary Planning Guidance(SPG):

- Placemaking Guidance for Residential Development (Adopted January 2021)
- Trees, Hedgerows and Woodland (Adopted October 2021)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Biodiversity and Development (Adopted February 2021)

Placemaking guidance for residential development Design Guide (2021)

The council has adopted a set of guidance on how placemaking principles should be applied to residential developments at a variety of scales, from proposed extensions, to individual homes, to large scale residential proposals that will create whole new neighbourhoods. Placemaking principles are at the heart of the council's strategic planning agenda and are a fundamental part of its approach to development management. These three documents provide guidance on how key placemaking objectives and policy requirements set out in the development plan and national policy can be integrated into proposals, including:

- Development density;
- Place-led streets;
- Biodiversity gain and enhancement;
- Green Infrastructure (GI);
- Sustainable Drainage Systems (SuDs);
- Privacy, amenity and comfort;

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The Residential Design Guide sets out a number of placemaking requirement modules for residential developments which work from strategic issues down to detailed issues. They seek to establish a brief overview of the issue, followed by guidance on how the consideration can be addressed to achieve high quality, sustainable, safe and inclusive places to live.

Neighbourhoods

New developments must integrate with existing neighbourhoods in order to create sustainable places and 'cohesive communities' through the planning of neighbourhoods that integrate with the local context, offer a choice of accommodation and promote active travel through the provision of good access by sustainable travel means to new and existing community facilities.

The site is within a sustainable location within the urban area and there are a number of small retail stores located along Parkway and other facilities within a walkable distance. Additionally, there are bus stops located along Aneurin Way and Parkway that are all located within walking distance of the site; suggesting that the site is located within a highly sustainable location served by public transport. The construction of the footpath / cycleway at the south eastern corner of the site to Parkway would provide access to local facilities within the area.

Density and Mixed Uses

Developments should seek to create vitality, with appropriate development densities supporting a range of services mixed use and public transport. In line with PPW, new development should make the most efficient use of land and increase densities in sustainable locations which are accessible to a wide range of people. Such locations should be close to public transport routes, local facilities, green spaces and community/ education facilities.

LDP Policy SD 2 - Masterplanning Principles requires for all sites where there is a capacity for 100 homes or more, that development must achieve net residential density across the site of at least 35 homes per hectare, with higher density residential and mixed uses located along public transport corridors and in focal areas, lower densities on rural/sensitive edges, and a range of densities elsewhere to meet different needs and create distinct character areas. Generally a density of circa 35 dwellings per hectare allow a good range of house types and sizes whilst making best use of land.

The proposal includes a variety of residential units - apartments, detached and semi-detached dwellings which have been designed to reflect the character of the surrounding area and respond to the site conditions. The provision of a variety of housing and apartments with the use of complementary and robust materials will ensure that an attractive sense of place and a high-quality development is achieved.

The proposed density is approximately 32 dwellings per hectare (101 homes on approx. 3.2ha). This is slightly below the 35 dwellings per hectare target set in LDP Policy SD2 Masterplanning Principles but considered acceptable on the basis of an appropriate layout and mix of house types.

Blue/ Green infrastructure

The objective is to retain and enhance existing landscape, biodiversity and ecosystem features and maximise opportunities for green infrastructure led placemaking for people and nature. The provision of green infrastructure in all new development is a key placemaking theme.

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Planning Policy Wales recognises that the development of green infrastructure is an important way for local authorities to deliver their Section 6 duty and to ensure resilient and healthy communities and the incorporation of blue/ green Infrastructure is the logical integration of SUDs/ water and ecology/landscape.

Green Infrastructure (GI) is integrated at street level as a drainage attenuation area and swales with meadow planting within the streetscene. The proposed GI approach at street level is instead for substantive areas of planted green verge on key parts of the main street (to be adopted standard), together with larger trees and hedges being proposed for private front gardens. Overall there is considered to be a positive integration of GI at street level.

Making Connections

A key consideration is to create multifunctional, connected layouts that promote access to a range of services, facilities, onward transport connections, neighbours and nearby communities. The layout of development is also a fundamental element of creating successful living environments, for both people and nature. TAN 18 emphasises that streets should create walkable neighbourhoods where walking is promoted as the main means of travel for shorter trips. Additionally, the Active Travel (Wales) Act 2013 and Well-being of Future Generations (Wales) Act 2015 require that provisions are made to improve the well-being of our communities and promote permeability by a range of transport means.

As indicated the site is within a sustainable location within walking distances of a number of existing facilities and the provision of the pedestrian access to the south of the site to Parkway would provide an important connection to the surrounding community.

Public Spaces

The positive integration of public space is a key element of placemaking. Public spaces are key parts of the multifunctional 'Green Infrastructure' of a site. The starting point on all sites should be the provision of open space and play provision on site in accordance with the nationally recognised Fields in Trust Guidance or equivalent local Swansea standards. This recommends a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP) on site for a development of this size.

The policy position with regard to the public open space is outlined above, and additionally, two LAPs are proposed for younger years play within informal community spaces at either end of the site. Whilst there does not appear to be sufficient space on site for a LEAP (and the associated set off distances), there is scope around the central green space to provide opportunities for a Local Landscaped Area of Play (LLAP) as an alternative. The area may have little or no equipment but should be imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play. Planting should be varied to provide a mix of scent, colour and texture and it should be designed to provide a suitable mix of areas for physical activity and areas for relatively calm relaxation and social interaction. The details of these areas of open space can be agreed through the planning conditions. This approach is considered a suitable balance with two equipped areas of play in close proximity.

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Streets as Places

Well-designed, green, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. Planning Policy Wales sets the requirement for new streets to be active and social spaces not just the sole preserve of vehicles.

The layout has been designed to avoid the internal road hierarchy being overly engineered to ensure the scheme respects placemaking agenda and well-being duties to ensure that their standardised requirements do not compromise the proposals.

Accessible Places

To create inclusive streets, spaces and buildings which maximise mobility and foster a sense of independence for all people. Inclusive environments should be easy for everyone to use. They should maximise everyone's ability to move freely, efficiently and safely around the environment, and encourage feelings of confidence when doing so. In order to create fully inclusive environments both houses and streets should be designed to address the needs of all.

These issues have been addressed within the layout.

Townscape

Developments should seek to create buildings that are of human scale, which respond to the context and form a high quality townscape. The manner in which buildings are positioned, grouped and respond to the valued elements of local character should emphasise the human scale, define public and private areas, create distinctiveness and interest, aid navigation and minimise the visual impact of parked cars. Taken together the buildings and spaces between them form a 'townscape' which can help to provide a sense of place and identity to a settlement.

Quality, Character & Identity

The objective of the Design Guide is to create a high quality building design with a distinctive sense of place. In accordance with Planning Policy Wales (PPW), this guidance does not seek to arbitrarily impose a particular architectural style. A well-structured place can accommodate a variety of different architectural styles from traditional to contemporary, subject to these being both contextually responsive and of sufficiently high quality design. All schemes must achieve a sense of place, and distinctive identity, through an appropriate approach to placemaking in order to create quality living environments.

The layout has a well-defined main street lined by active housing frontages. The dominance of frontage parking in the mews areas of smaller homes is softened and broken down by planting. The proposed house types have a positive contemporary appearance including ground floor bay windows, gabled frontages, grey windows, use of stone cladding. The smaller and affordable homes have consistent details with the larger properties including quality of materials to ensure visual integration. The provision of a variety of housing with the use of complementary and robust materials will ensure that an attractive sense of place and a high-quality development is achieved.

Community Safety

All new developments should seek to create a safe and secure places with effective natural surveillance. Essential to sustainable placemaking is the creation of living environments which encompass good levels of both perceived and actual safety.

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This is typically underpinned by a connected network of street facing buildings which can generate good levels of passing natural surveillance ('eyes on street'). Providing dwelling frontages in a perimeter block approach results in both overlooking of the public realm as well as the enclosure of secure rear gardens.

The Designing Out Crime Officer has made comments in respect of the proposed layout, and whilst these are largely positive, he has made the comment that entry onto the estate must be restricted to the designated routes. In particular, the proposed link to Parkway would be potentially problematic. However, without the footpath link being provided the development would not be readily accessible and would be contrary to the advice within the Active Travel Act.

Privacy, Amenity and Comfort

The starting point for the design and layout of residential developments should be the placemaking principles outlined earlier in this guide, due consideration must also be given to meeting low energy, privacy and amenity standards. If the homes of a new place lack good quality garden/amenity space and adequate privacy then the quality of life and well-being of residents will be diminished.

With regard to the impact of the development on the residential amenity of surrounding properties, the development has been designed to ensure that the privacy of future and current occupiers is maintained. The scale of houses (all are two stories) integrates with the existing context and the offset along the east and south boundaries ensures adequate separation in terms of overlooking, overbearing and overshadowing.

Accommodating Parking

The development should provide appropriate parking at discreet but safe locations within the development. Where and how cars are parked can have a significant impact on the quality of place in the residential environment. It is vital to balance the desire of residents to conveniently park close to their homes with the need to avoid parked vehicles dominating the public realm and causing highway safety issues.

Parking is proposed in both on-street and off-street situations. Parking spaces to individual dwellings are generally provided on side driveways or within garages. Overall, the parking provision which meets the Council's standards without appearing overly dominant, dominating the public realm and causing highway safety issues.

Highways, traffic, car parking, access and pedestrian movements

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

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Highways and Active Travel - The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

The Highway Authority has been consulted in Pre-Application Consultation (PAC) to which it has responded in detail. The Highway Authority also met with the applicant and their design team to discuss the proposals and in this meeting it provided details advice and detailed the expectations in order to provide a safe and sustainable development. The applicant has submitted further information to address previous comments.

The application is accompanied by a Transport Assessment, providing a view on accessibility for all modes, potential trip generation, distribution and analysis on the effect of key junctions in the locality. This has been verified and is acceptable, it is not thought the proposals will only have a minimal impact on the surrounding highway network.

The site is well located in terms of schools and local facilities for residents to choose sustainable travel options over car use. Proposals allow connection to recently completed cycle improvement schemes in the area, and connection to the NCN for destinations further afield, in addition, there are regular bus services to the city and other major employers, Hospitals and University. The applicant has proposed an active travel link to the East of the site linking to Parkway, this is appropriate and welcomed. In order to reduce reliance on private cars, this direct sustainable route to local facilities supports the sustainable transport hierarchy for planning (PPW), and maximises accessibility within or without the development layout. (LDP Policy T5.

The layout is a cul-de-sac accessed from the south. The form of access shown is a simple priority junction. 2 way swept path analysis has been provided which demonstrates the proposed junction form is acceptable. Following earlier dialogue a cycle/pedestrian path is now proposed to the East, which significantly shortens walking distance to local amenities. A further access for a private drive is proposed from Aneurin Way, this access has been relocated from the internal spine road, where it was thought too close to the main access junction, the revised position is thought to provide a more acceptable solution. The existing school drop-off along Aneurin Way will be relocated to the west of the existing school access. It is proposed to increase the length of the existing bus stop located along Aneurin Way, with the school sharing the existing bus layby.

The main spine is 5.5m carriageway with 2m footpaths to both sides for the most part, and the applicant has submitted swept path analysis to demonstrate that 2 vehicles are able to pass on the receiving arm of the new junction.

The level of parking accords with the SPG and is thought to be acceptable. Additionally, the swept path analysis has demonstrated that visitor parking will be able to take place on street, whilst maintaining sufficient space to allow vehicles to pass safely.

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Drainage

Concerns were expressed over the proximity of the large attenuation area at the first junction as you enter the site, as the Highway Authority require a minimum offset from the edge of the highway, which includes carriageway, footway and verge of 2m (greater if possible) for any soft landscape SUDS features, and 3m minimum (depending on depth and zone of influence for any pond or basin). This is to ensure sufficient protective space for the highway and SUDs feature if either require excavation or maintenance. Additionally, any pond or basin requires sufficient safe and fit for purpose operational access for maintenance.

The applicant has provided cross sections to the attenuation areas, this shows the proposals are outside the zone of influence of the highway. Adequate access to all areas for men, materials, plant and equipment must be provided to enable maintenance of the structure and allow for its replacement without affecting the operation of the highway. The precise drainage arrangements are subject to a separate SAB application, however it is thought there is sufficient space within these areas to develop a satisfactory solution.

Drainage Strategy

The application is accompanied by a Foul and Surface Water Drainage Strategy. The foul water drainage for the proposed development will require adoption and an agreement with Dwr Cymru/Welsh Water, making a connection to the foul water sewer located within Aneurin Way adjacent to the proposed development.

The submitted Geotechnical and Geoenvironmental Site Investigation Report by Terra Firma concluded there was insufficient infiltration to consider a soakaway solution for this site. In accordance with Standard S1 of the SuDS for Wales the surface water drainage hierarchy aims to ensure that the surface water runoff is treated as a valuable resource and in turn managed in a way that minimises flood risk to the development site and addresses the issue of water quality and associated ecology.

An onsite scheme incorporating a variety of SuDS features, such as swales, rain gardens, permeable paving, filter strips / drains and vegetated detention basins are proposed to address water quality / quantity matters. These features are strategically located within the development site to complement the surface water drainage. The inclusion of these SuDS features would therefore address quantity, quality, amenity and bio-diversity. The development will require a separate SAB approval and the maintenance and operation of all on-site surface water drainage and associated SUDS features would be the responsibility of the future home owners, Swansea City SAB and Swansea City highways for the proposed adoptable access roads (adoption will be progressed under a Section 38 Agreement). The exact breakdown of future maintenance liabilities will need to be discussed during the SAB submission process and detailed design, installation, operation and maintenance of the surface water system will be in accordance with the SUDS manual and the requirements of the SAB.

Ecological Impact/ Trees

The application is accompanied by a Preliminary Ecological Appraisal and an Arboricultural Report.

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The field survey undertaken at the site identified a very limited range of habitats dominated by amenity grassland sports fields, hard standing tennis courts and a disused redgra pitch; all of which are bordered by corridors of scrub and poor semi-improved grassland, immature parkland trees and mature boundary standard trees. A Swansea Council maintenance depot is located at the southern extent of site and comprises of a single storey flat roof building with a hard standing yard that was bordered by amenity grassland with a species poor hedgerow and standard trees that fronted onto Aneurin Way.

In terms of the ecological importance of the site the amenity grassland, hard standing and redgra with mat of bryophytes were considered to be of limited ecological interest and represented the most suitable location for the residential development. However, the southern and eastern boundaries that included mature trees, treelines, semi-improved grassland and marginal scrub/tall ruderal habitat were considered to be of ecological significance at a local level and were likely to be utilised by a variety of species such as birds, foraging & commuting mammals, and potentially small isolated population of reptiles. The mature trees, treelines and the scrub/tall ruderal margins are to be retained as part of the proposed residential development. It is recommended that the boundary features be retained as dark wildlife corridors for commuting mammals and birds. The retention of these boundary margins will also satisfy the Local Development Plan Policy ER 9: ecological networks and features of importance for biodiversity. The development will result in the loss of semi-mature standard trees and a short section of hedgerow all of which were of limited ecological interest that can be offset in the proposed development soft landscaping.

As indicated, the development will result in the loss of the Swansea Council maintenance depot located at the southern extent of site. The structure is considered to be very low bat potential and an endoscope survey of all the potential bat roosting features on the southern elevation was conducted with no evidence of roosting bats identified. A supplementary dusk emergence survey was conducted on the southern elevation on the 7th October 2021 (during suitable weather conditions), which identified no emerging bats and low activity in the locality. On this basis, it is considered that the proposed demolition works will not require further surveys or a European Protected Species (EPS) derogation licence. However, it is recommended that a precautionary approach to the demolition works be adopted given the itinerant nature of some common bat species identified within a 2km radius of site i.e. Pipistrelle species. The possibility that the structure could potentially be utilised by individual bats on an irregular or occasional basis during future bat activity seasons could not be ruled out and a precautionary approach as follows would be appropriate.

The majority of the trees onsite were considered to be of negligible bat roosting potential due to their age and absence of potential bat roosting features. However, three standard mature Oak trees located on the eastern boundary of site were considered to be of low-moderate bat roosting potential due to their size and ivy growth providing and hiding potential bat roosting features. These trees are to be retained as part of the development. However, if they do require crown reduction or felling, further surveys will be required to inform any requirement for licencing and mitigation.

The eastern and southern margins of site were considered to be suitable foraging and commuting habitat for the local bat populations and as such should be maintained as a dark corridor with no incidental site lighting.

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The amenity grassland and hard standing that comprised the majority of the site footprint were generally considered to be unsuitable for common reptile species due to its managed short sward length and absence of vegetation. However, the marginal scrub/tall ruderal habitat could potentially support individual reptile species. The proposed development will retain the majority of the margins. However, areas of scrub will be lost as part of the development and as such it is recommended that a sensitive directional vegetation clearance to retained habitats be adopted and maintenance of a short scrub/sward length for a number of weeks prior to soil strip be adopted during the reptile activity period to allow any potential reptile species to disperse of their own accord. The southern and eastern boundary scrub, treelines and standard trees were considered to offer suitable habitat for breeding birds.

Japanese Knotweed has been identified on the perimeter of site and requires treatment or licensed removal from site. This is controlled through a planning condition.

In terms of Biodiversity Enhancement, additional considerations for the development relate to the incorporation of bat and bird boxes in the proposed development and the use of soft landscaping species of known wildlife benefit. This relates to the incorporation of 10 No. built in bat boxes (1FR Schwegler Bat Tube/lbstock Enclosed Bat Box 'C' or similar), 10 No. House Sparrow Terraces, 5 No. Swift Boxes (or Swallow/House Martin cups dependent on residential house design) and Wet Meadow Grass seeding within the attenuation areas. The SEWBReC data search identified Hedgehog *Erinaceus europaeus* in close proximity to site. Hedgehogs travel around one mile every night through parks and gardens in their quest to find enough food, nest sites and a mate; and as such it is recommended that the proposed housing developments incorporates, Hedgehog 'highways'. This involves the cutting of small holes in the garden fences

In terms of trees on site, 3 individual category C trees would need to be removed (Goat Willow – T8, Crack Willow – T12 and Leyland Cypress – T11) along with 22m of Hedgerow (H1) which is also considered to be a category C hedgerow. The Arboricultural Officer has raised no objection to the proposal and considers that the impact of the development can be mitigated through the adherence to the submitted Arboricultural Method Statement and Tree Protection Plan and a condition to this effect would be added to any consent.

Heritage

GGAT were consulted on the application and have advised that the area has no recorded archaeological or historic environment features. Historic mapping sequences show the area as fields. However, the Record is not definitive, and should any archaeological features be encountered please contact us as this may require mitigation. GGAT offered no objections to the proposals.

Planning Obligations:

The Planning Obligations associated with this development include:

* Provision of 35 affordable housing units on site to WDQR (of which 21 would be Social Rented and 14 would be Intermediate) – all to be disposed of via a RSL

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* £377,500.00 in respect of Parkland Primary School;

* £466,528 in respect of Olchfa Comprehensive School.

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

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision and secure affordable housing on site to ensure policy compliance.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this site).

Conclusion

The site is unallocated 'white land' in the adopted Swansea LDP and is located within the urban settlement area. The principle of the development therefore accords with LDP Policies PS 1 and PS 3 which supports windfall residential development at appropriate sites within settlements. The development provides a policy compliant scheme in terms of LDP Policies to provide affordable housing and provides for an educational contribution to allow for the additional demand on local schools. The corporate decision to dispose of the area of school playing fields has addressed the impact on public open spaces and the provision of the artificial games surface/ 3G facility under planning permission ref 2020/0106/FUL which will enhance local community facilities.

The layout has been designed in accordance with the Placemaking Guidance for Residential Development Design Guide and careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance.

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 WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

RECOMMENDATION:

APPROVE subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clauses:

Affordable Housing:

- o **35% affordable housing on-site in line with LDP Policy consisting of the provision of 35 no. affordable housing units. The AH units will need to be WDQR Compliant (or equivalent), and delivered in the mix of property sizes/types and affordable tenures as indicated in the application. The design and specification of the affordable units will be equivalent quality to those used in the Open Market Units.**

An Education Contribution of:

- o **£377,500.00 in respect of Parkland Primary School;**
- o **£466,528 in respect of Olchfa Comprehensive School;**

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, H2, H3, IO1, SI3, S18 of the Swansea Local Development Plan 2010 - 2025

- 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:

21049 (05) 1000 Site Location Plan; 21049 (05) 1110 Existing Site Sections; 21049 (05) 1130 Boundary Type A - 1800MM Close Boarded, 21049 (05) 1131 Boundary Type B - 1800MM Rendered Block; 21049 (05) 1200 Caerleon Floor Plans; 21049 (05) 1201 Caerleon: Type 1 - Elevations; 21049 (05) 1202 - Caerleon: Type 2; 21049 (05) 1210 - Camrose Floor Plans; 21049 (05) 1211 -Camrose: Type 1 - Elevations; 21049 (05) 1212 - Camrose: Type 2 - Elevations; 21049 (05) 1220 - Carew: Type 1 - Plans Elevations; 21049 (05) 1221 - Carew: Type 2 - Plans Elevations; 21049 (05) 1230 - Harlech: Type 1 - Plans Elevations; 21049 (05) 1231 - Harlech: Type 2 - Plans Elevations; 21049 (05) 1240 - Oystermouth: Type 1 - Plans and Elevations; 21049 (05) 1241 - Oystermouth: Type 2 - Plans and Elevations; 21049 (05) 1250 - Pembroke: Type 1 - Plans and Elevations; 21049 (05) 1260 - Usk Floor Plans; 21049 (05) 1261 - Usk: Type 1 - Elevations; 21049 (05) 1262 - Usk: Type 2 - Elevations; 21049 (05) 1280 - Conway Floor Plans and Elevations; 21049 (05) 1311 - Dryslwyn Elevations; 21049 (05) 1320 - Garages - Floor Plans and Elevations; 553.01 Rev A - Green Infrastructure & Landscape Strategy; S.7884.P 02 - Existing Topographical Survey - plans received 31 Jan. 2022;

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1250A - Pembroke - Type 1 Plans and Elevations; 21049 (05) 1101 Rev D - Site Development Plan; 21049 (05) 1102 Rev B Site Materials Plan; 21049 (05) 1103 Rev B Site Phasing Plan; 21049 (05) 1120 Rev B Proposed Street Elevations; 21049 (05) 1121 Rev B Refuse Strategy Plan; 21049 (05) 1122 Site Tenure Plan; 21049 (05) 1251A Pembroke - Type 2 - Plans and Elevations; 21049 (05) 1270A - Ruthin - Plans; 21049 (05) 1271A - Ruthin - Elevations; 21049 (05) 1280A - Conway Plans and Elevations; 21049 (05) 1290A - Powis and Elevations; 21049 - (05) 1300A - Dinas plans; 21049 (05) 1300A - Dinas plans; 21049 (05) 1301A - Dinas Elevations; 21049 (05) 1310A - Dryslwyn - Plans; 21108.OS.108.01 - Swept Path Analysys; 21108.OS.108.02 - Swept Path Analysys; 21108.OS.108.03 - Swept Path Analysys; 21108.OS.108.04 - Swept Path Analysys; 21108.OS.108.05 - Swept Path Analysys; 21108.OS.108.07 Swept Path Analysys; 21108.OS.108.08 - Swept Path Analysys; 21108.OS.108.09 - Swept Path Analysys; 21108.OS.108.10 - Swept Path Analysys; 21108.OS.108.11 - Swept Path Analysys; 553.B Olchfa Strategy Green Infrastructure Strategy; 884-P-03B - Preliminary Site Levels; 7884-P-09A Typical SUDS details; 7884-P-15A - Preliminary Drainage Proposals; 7884-P-16B Drainage Layout Proposals; 7884-P-17B Exceedance Flow Plan; amended plans received 14 March, 2022.

7884-P-06 Rev C -Preliminary Drainage Strategy Plan; 7884-P-10 Rev B Typical Surface Water SUDS details - Sheet 2; 7884-P-18 - Off Site Surface Water Drainage Plan - Eastern Boundary; 7884-P-19 Off Site Levels Plan: Eastern Boundary; - amended / additional plans received 24th March, 2022.

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

- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation and enabling works) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of any external works to the superstructure, details at an appropriate scale (1:2 to 1:20) of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Typical window and door units within their openings;
- Bay window, entrance canopies, gable verges;
- Details of the location, external design and finishes of any visible external ventilation;
- Rainwater goods, fascias and soffits;

The development shall thereafter be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

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- 5 Prior to the commencement of the development, (excluding demolition, excavation, site preparation and enabling works) full road engineering details of the vehicular access into the site from Aneurin Way including the construction of the relocated bus drop off facility shall be submitted to and approved in writing by the Local Planning Authority. All access works relating to the public highway, shall be substantially completed prior to any of the works commencing on site and shall be completed as approved in writing by the Local Planning Authority.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 6 Prior to the commencement of the development, (excluding demolition, excavation, site preparation and enabling works), full engineering, drainage, street lighting and constructional details of the streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 7 Prior to the first beneficial occupation of any respective phase of the development, the proposed arrangements for the future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980.
Reason: To ensure that the internal roads are subject to a future management and maintenance agreement.
- 8 Notwithstanding the details indicated in the application, the development layout shall incorporate a pedestrian / cycleway connection (and Implementation Timetable) through to Parkway in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The linkage shall thereafter be completed in accordance with the approved details.
Reason: In order to maximise the permeability of the site to allow future residents adequate accessibility to local facilities and in order to assess such details in the interests of pedestrian safety.
- 9 Notwithstanding the details submitted to date, the open space/ play provision on site shall be implemented in accordance with full details which have first been submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of any dwelling within that phase. The provision within Phase 1A shall incorporate landscaped play opportunities,
Reason: To ensure that play facilities are provided within the development to an appropriate standard and at the time the demand for them arises.
- 10 Prior to the beneficial use of any respective phase of the development, a management strategy for the maintenance of all areas of formal and informal open spaces and play provision associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved.
Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained.

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- 11 Notwithstanding the provisions of schedule 2, part 1, Classes A, B, C, D & E 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 extensions or buildings shall be erected other than those expressly authorised by this permission.
Reason: In order to control inappropriate extensions/ alterations and outbuildings adversely affecting the character and appearance of the residential development.
 - 12 The garages to be provided shall be kept available for the parking of motor vehicles at all times and shall not be used as or converted to domestic living accommodation.
Reason: To ensure adequate on-site car parking provision in the interests of highway safety.
 - 13 The on plot car parking spaces as indicated on the Site Development Plan (Drawing No. 21049(05)1101 Rev. D received on 14th March 20220 shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.
Reason: To ensure adequate parking provision is provided and retained for each dwelling.
 - 14 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
 - 15 Prior to the commencement of development, an Invasive Non-Native Species (INNS) Method Statement shall be submitted to and approved in writing by the Local Planning Authority, detailing methods of avoidance, containment or removal in order to avoid the spread of INNS during construction works. The development shall thereafter be undertaken in accordance with the approved INNS Method Statement.
Reason: In the interests of the ecology and amenity of the area.
 - 16 The development shall be completed in accordance with the principles of the submitted Green Infrastructure and Landscaping Strategy and in accordance with a detailed scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

- 18 The development shall be undertaken in accordance with the Recommendations set out in Section 5 of the Preliminary Ecological Appraisal dated 18th October 2021.

Reason: To ensure the works are undertaken in a sensitive manner to minimise the impact on biodiversity.

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

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures. Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use

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- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

- 20 Prior to the commencement of development, a Sensitive External Lighting Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. A plan showing location, light spill and specification for any proposed lights on the site (during operation). The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting> and shall include dark corridors along the eastern and southern boundaries of the site, to retain foraging and commuting habitats for bats. The development shall thereafter be undertaken in accordance with the approved details.
Reason: The Strategy shall aim to protect bats and other nocturnal species.

- 21 The development hereby permitted shall be undertaken in strict accordance with the submitted Arboricultural Method Statement (Section 6) and Tree Protection Plan (Appendix 4) included within the Arboricultural Report prepared by ArbTS dated 12th December 2021 (Project reference - ArbTS_1268.2_Olchfa School Site).
Reason: To ensure the trees to be retained on site are protected during the course of development.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [LDP Policies PS1, PS2, PS3, IO1, H1, H2, H3, S11, S15, S16, S18, ER1, ER2, ER8, ER9, T1, T2, T5, T6, T7, EU4, RP1, RP2 & RP3]
- 2 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

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No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

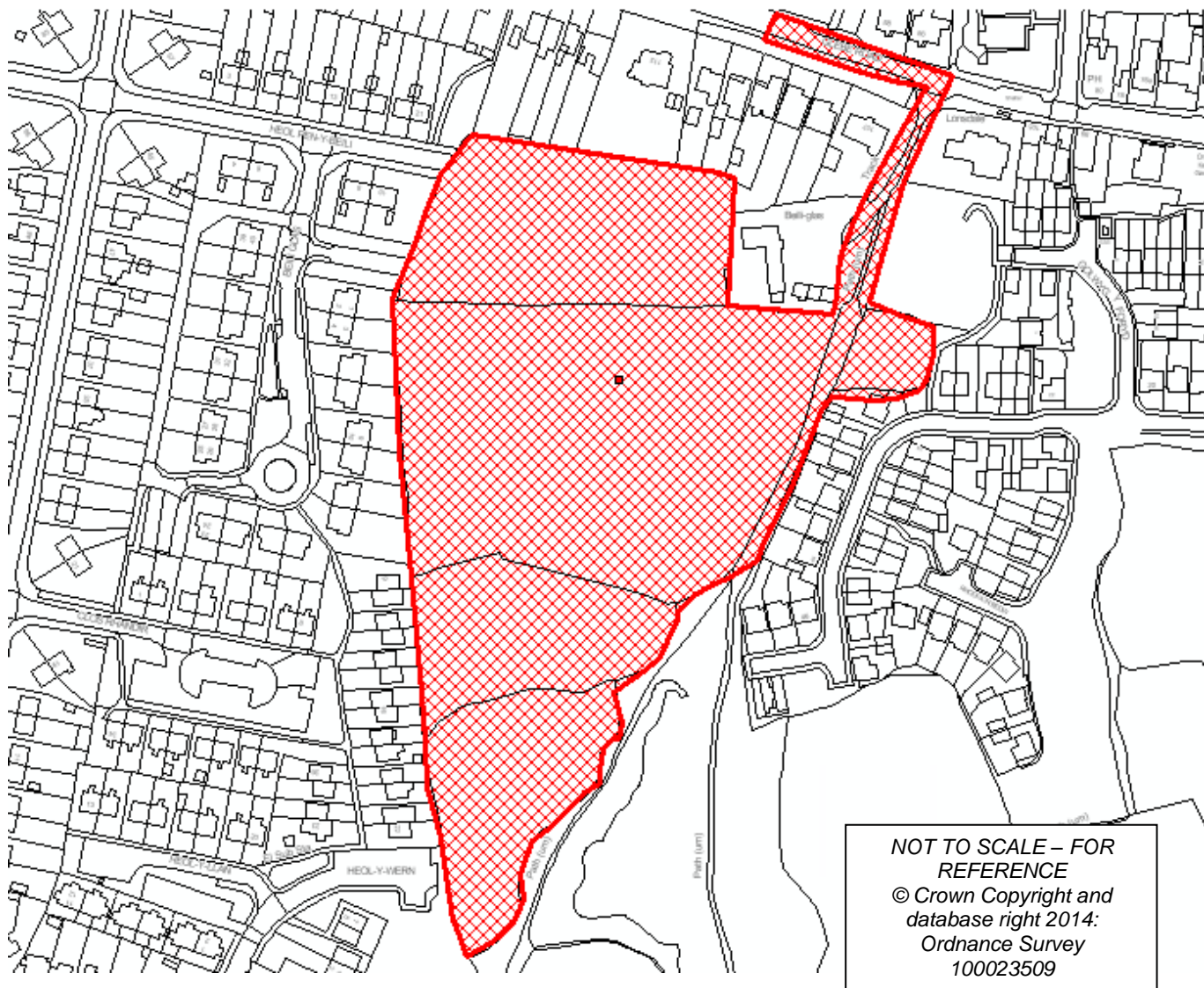
- 3 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.
- 4 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

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

- 5 The applicant is advised that to the proposed arrangements for future management and maintenance of the proposed streets that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
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Item 2 **Application Number:** 2021/1820/FUL
Location: **Ward:** Lower Loughor - Area 2
Proposal: **Land To The South West Of Beili Glas Farm , Loughor , Swansea,**
Applicant: **Residential development of 98 dwelling comprising 37 affordable dwellings and 61 private dwellings with associated access, landscaping, drainage and associated works.**
Pobl Group And Jehu Group



Background Information

Policies

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 - PS1 - Sustainable Places

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

LDP - PS3 - Sustainable Housing Strategy

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

LDP - IO1 - Supporting Infrastructure

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

LDP - IO2 - Employment and Training Opportunities

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

LDP - H1 - Non-Strategic Housing Sites

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

LDP - H3 - Affordable Housing

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

LDP - H4 - Off-Site Affordable Housing

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

LDP - HC3 - Development in the Welsh Language Sensitive Area

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

LDP - SI1 - Health and Wellbeing

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

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LDP - SI3 - Education Facilities

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

LDP - SI6 - Provision of New Open Space

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

LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

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

LDP - ER2 - Strategic Green Infrastructure Network

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

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

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

LDP - ER6 - Designated Sites of Ecological Importance

Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

LDP - ER11 - Trees, Hedgerows and Development

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

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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.

LDP - T1 - Transport Measures and Infrastructure

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.

LDP - T2 - Active Travel

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

LDP - T5 - Design Principles for Transport Measures and Infrastructure

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

LDP - T6 - Parking

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

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

LDP - T7 - Public Rights of Way and Recreational Routes

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

LDP - EU4 - Public Utilities and New Development

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

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

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LDP - RP1 - Safeguarding and Public Health and Natural Resources

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

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

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

LDP - RP6 - Land Contamination

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

LDP - RP7 - Land Instability

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

LDP - RP10 - Sustainable Waste Management for New Development

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

Site History

App Number	Proposal	Status	Decision Date
2019/1194/PRE	(Pre-application) residential development for up to 60 dwelling houses (outline)	MIXPR E	04.09.2019

RESPONSE TO CONSULTATIONS

The application was initially advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to adjacent neighbours on the 17th September 2021 and by means of Site Notices.

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The initial publicity exercise was based on the originally submitted scheme which was for 103 dwellings.

The scheme has since been amended to a reduced number of 98 dwellings.

A re-consultation exercise was subsequently undertaken with the local residents being sent (14 days) consultation letters on 27th January 2022 and Site Notices placed at the site on 28th January 2022. A Press Notice was also displayed in the local newspaper, but only on the 21st March 2022 (a Press Notice should have been published sooner, but was not due to an administrative error).

Members of the Committee should note that the consultation exercise relating to the Press Notice does not expire until 11th April 2022, which is some 6 days after the date of the Committee meeting. Consequently, if the Committee resolve to accept the recommendation below, a decision notice will only be issued upon the expiry of the consultation exercise. If any objection letters are received between the date of the Committee meeting and the end of the consultation exercise, the planning application will be re-presented to the next available Committee meeting (which is likely to be June 2022).

To date, a total of NINETY FIVE (95) letters of objection have been received. The relevant points of objection are summarised below;

- Impacts upon local amenities and infrastructure, especially schools, dentists, doctors, hospitals and leisure facilities which are all at full capacity
- Access to the site will be difficult and narrow through a very densely populated area, which is already severely congested
- Traffic levels are at an all-time high in the area and we should be looking to reduce our carbon footprint, not add to it
- Glebe Road is very busy and dangerous currently and this would only be made worse by the location of this development
- Lack of adequate public transport
- It will result in the loss parking areas on Heol Y Wern, which is very much needed as it is always full both in Clos Rhandir and on Heol Y Wern
- Siting, design and external appearance of the proposed development will cause loss of sunlight, daylight and privacy to the nearby properties
- Light, noise and air pollution
- The pollution the extra vehicles will produce will be horrendous
- Impacts upon Bats
- Impacts on trees
- The LDP said that the number of units allocated is 60, yet this new application is for 103 units, nearly double. - this totally undermines the whole purpose of LDP capacities and will set a dangerous precedent
- Impacts upon wildlife
- Lack of opportunities for young people in the area. No youth facilities and very few places to go.
- Impacts upon the area and health and wellbeing
- Loss of greenspace
- Brownfield sites for development should be considered

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- Loss of habitats for birds
- Impacts upon drainage from Beili Glas Farm house
- Impacts upon road drainage from Glebe road and ditch
- Knotweed was illegally dumped on the site in 2007
- Potential of more flooding in surrounding areas
- Would spoil the bridal/foot path next to the site
- 2 extra housing estates in the last 10 years, with no additional GPs, schools, or play areas.
- Development have little personality, space and usable gardens
- Detrimental impact on the residents who already live in the area
- These houses are too close to my property
- There was mine work in this development this too could have a future impact on landslide and sinkholes
- Effect on nature and views
- Decrease property value
- Impacts from construction - noise, fumes, traffic during the day
- Pre-application enquiries - should have been made available for public comment and review
- Disappointing that the Design and Access Statement (page 15) indicates that a number of key points have already been agreed with the Planning Department
- Where are the spaces to play, exercise, socialise and enjoy contact with nature?
- Any development here will have a devastating impact but the current proposal offers absolutely nothing in-terms of open green space or habitat protection
- Substantial loss of trees at this site both from felling and construction
- It is unclear whether garages are being provided for the dwellings - they do not appear on layout plans
- The overwhelming majority of the parking provision is for triple single file parking which would never be utilised and result in significant pavement and roadside parking. Rather than blocking in their cars, residents will park on the road and as these are the minimum width of 5.5m it will make access and visibility difficult.
- The number of 90 degree bends on the site plan will exacerbate the problem
- To the eastern boundary of the site there is proposal for court yard style parking at two locations - this style of parking is known to attract crime. There is no provision for visitors.
- Removal of grass and soil will exacerbate draining and flooding issues below including the residential gardens to the south-west. Any development at this location will impact the water levels on Culfor Road (Marsh Road) to the south and the surrounding fields
- As with other developments that have struggled with poor drainage (Beauchamp Walk), many of these gardens will eventually be replaced with patios or non-permeable surfaces in future.
- Impacts on historic nature of Beili Glas Farm
- Drainage from Beili Glas septic tank has not been addressed
- Highway drainage from Glebe Road - the pipes are broken which floods and erodes the public right of way
- Concerns about impact on access to Beili Glas farm and on public footpath
- Loss of privacy due to location of LEAP

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- The development does not provide any safeguards to protect the population of hedgehogs at Beili Glas Farm. To protect the hedgehog population it will be essential to provide "hedgehog highways". This should at least include creating suitable gaps in all fences erected on site.
- I object to that and the Design and Access Statement that draws no reference to the 200 year old Farmhouse. The DAS (S20.181) does not mention of the prominent stone work of the Farmhouse that shares boundaries to the east and north of the site plan. The one bed apartments (211 & 212) are not in keeping with the Farmhouse which is at higher elevation and a focal point of development
- There are no plans for boundary treatment (walls or fences) around the Farmhouse.
- Apartments of plots 61-62 directly overlooks the garden of Beili Glas Farmhouse.

Cllr Christine Richards (Ward Councillor)

Glad to see affordable homes spread throughout the site but I am concerned that there are 103 units planned, when the LDP shows plans for just 60. I am also concerned about potential impact of residents living in the area surrounding the new site, especially those in Heol y Wern and Heol Pen y Beili where new access is planned. Increased traffic likely on roads that are not subject to speed controls. Glebe Road, down-hill approaching Loughor Monument, Culfor Road - 20 mph limit where there has been a series of complaints about speeding, Brynllwchwr Road (being used as a means of avoiding traffic controls). Also concerned about protection of trees, hedges and wildlife. I note in the report on bats that although there are a small number of Horseshoe bats records. It also states that they are hard to record!

Cllr Robert Smith (Adjacent Ward Councillor)

The proposal for 103 units is a significant increase on the 60 allocated under the provisions of the LDP, and will result in the loss of green spaces, including mature trees and natural habitats, and result in further coalescence of settlements. Furthermore, I am concerned that this will exacerbate existing highway problems, including congestion at Culfor Road, Loughor and add to the volume of traffic on Glebe Rd and surrounding areas.

Llwchwr Town Council

Initial Comments

OBJECTION on the following grounds;

1. Not in conformity with LDP -103 dwellings instead of 60
2. Issues of capacity in a non-strategic housing site
3. Access to development site will cause adverse traffic and highways conditions
4. Risk of deterioration of water quality
5. Loss of local flora and fauna particularly hazel trees and woodpeckers
6. Drainage issues generally

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Further Comments

1. Affordable housing is integral to this scheme and any proposal which seeks to reduce the number of such houses is not acting within
1. the LDP and should not be permitted-the housing association is a partner and would not receive the full benefit
2. The number of dwellings proposed has been cut to 98 but there is a disproportionate number of cuts to affordable housing
3. The scheme will still have a massive impact on the roads and entrances and will make neighbouring roads more dangerous
4. There will still be drainage issues from the original farm

Natural Resources Wales (NRW)

Initial Comments

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding lighting and pollution prevention should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

European Protected Species

We welcome the submission of the following information, and have reviewed the following documents:

- 'Bat Activity Surveys Addendum, Land at Beili Glas Farm, Llchwyr, Swansea', dated October 2020, by Hawkeswood Ecology
- 'Preliminary Ecological Appraisal, Beili Glas Farm, Llchwyr, Swansea', dated June 2020, by Hawkeswood Ecology
- 'Protected Species Surveys, Land at Beili Glas Farm, Llchwyr, Swansea', dated September 2020, by Hawkeswood Ecology
- 'Arboricultural Report, Beili Glas, Loughor, Swansea', dated 13th April 2021, by Arboricultural Technician Services Ltd.

We note that our previous comments (in the PAC response) regarding bats have not been fully addressed, therefore we refer your Authority to our previous comments to the Applicant within our response to the Statutory Pre-Application, copied below:

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Bats

We consider that there is insufficient information submitted with this consultation to determine the likely impacts of the proposals on bats. Therefore, we advise that further surveys are undertaken as detailed below.

The protected species surveys undertaken indicate that ten species of bat have been identified as using the site for foraging/commuting, including: greater horseshoe, lesser horseshoe, Nathusius pipistrelle, whiskered and brown long eared bats.

We also note that trees were assessed for their bat roosting potential, and that some of the trees assessed have medium to high potential for roosting bats, however no further detailed assessments were undertaken.

For any of the trees categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) will be required in accordance with best practice. A detailed plan should be included as part of any future planning application, that outlines which trees require felling, pruning or removing, and their potential to support roosting bats. Should bat roosts be confirmed, we advise that the applicant includes an assessment of the impacts of the scheme on these roost sites and proposals to mitigate or compensate for them.

The Protected Species Survey report also recommends that mature trees and hedge lines are retained where possible in order to retain connectivity across the site. The report further recommends careful consideration of lighting across the site (street lighting and any external lighting on buildings), ensuring the use of dark corridors to allow bats to continue to move across the site and preventing light spill onto retained areas of habitat and site boundaries.

We concur with these recommendations and will request that any planning permission afforded to the scheme must include a condition which ensures the submission of an appropriate Lighting Plan, prior to its installation.

Condition

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

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas
- Details of lighting to be used both during construction and/or operation

The lighting shall be installed and retained as approved during construction and operation. Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species and commuting corridors.

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Assessment of Impacts

Together with the additional survey information indicated above, we also advise the submission of a revised Protected Species Survey Report, which includes a detailed assessment of the likely impacts of the proposals on bats. This should take account of indicative layouts/masterplan and include clarification of which habitats will be lost and which will be retained, along with their location and extents.

Advice on Potential Protected Species Mitigation Requirements

If the additional surveys detailed above identify that protected species are likely to be affected by the proposals, the submission should also be accompanied by full details of all the mitigation that will be put in place to off-set the anticipated impacts.

The mitigation scheme should focus on a pattern of habitat retention and creation on site that seeks to retain, and preferably bolster, connectivity with other suitable habitats for the species within the site and to the wider landscape. The proposals should also include details of the long-term management of the retained and enhanced habitats on site, and how this will be secured.

We also recommend that any masterplan for the development should clearly delineate land and habitat features that are to be retained, created, and managed as nature conservation areas. This plan should clearly indicate their scale, location and nature.

The above information is required prior to the determination of any planning application in order to ensure that there will be no detriment to the maintenance of the favourable conservation status of bats.

Dormice

We note the Preliminary Ecological Appraisal states that the site lacks connectivity to the wider countryside and that it is relatively isolated by housing developments and the road network. It also considers it unlikely that dormice will occur on site and as such they have not been considered further within the submission.

Otter, Great Crested Newt and Water Vole

In addition, we also note that the Preliminary Ecological Appraisal states that there is no suitable habitat on, or near the site for otter, water vole or great crested newt, and therefore they have not been considered further within the submission.

Legislation & Policy

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

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

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

Pollution Prevention - Construction Environmental Management Plan (CEMP)

We welcome the submission of the following information, and have reviewed the following document:

- 'Construction Environmental Management Plan, Beili Glas', dated 16/04/2021, by JEHU Group

We note that the above document has been submitted in support of this application, however, there is insufficient information within the CEMP.

More information regarding the following should be sought from the applicant:

- Identifying all surrounding watercourses and pathways from the construction site to these watercourses
- Putting measures in place to protect the watercourses and pathways
- Monitoring the watercourses for signs of pollution
- Monitoring the effectiveness of the mitigation
- Stopping pollution when it is identified
- Re-applying more appropriate mitigation to stop the pollution from re-occurring

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

Condition

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

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

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- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Flood Risk

We note the submission of the document titled; 'Flood Risk Assessment & Drainage Strategy Report: Proposed development at Beili Glas, Loughor', dated October 2020, by Spring Design Consultancy Limited. We note that although the site is not within the flood zone and is not at risk from fluvial or coastal / tidal flooding, Section 3.3 of the report states that some low-level surface water flooding at the south-eastern site boundary (which coincides with the existing network of drainage ditches around the site Perimeter), may occur. Therefore, we advise that the applicant consults with the Local Authority Drainage Engineers with regards to the drainage ditches and any potential flood risk arising from them.

Foul Drainage

We note that the proposal appears to build on the drainage field for the septic tank located at Beili Glas Farm. Your Authority will need to ensure that the new proposal will not affect the sewerage system for Beili Glas Farm.

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.

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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.

Final Comments

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 26th January 2022.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding pollution prevention. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding pollution prevention and European protected species should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Pollution Prevention - Construction Environmental Management Plan (CEMP)

We welcome the submission of the following information, and have reviewed the following document:

o 'Construction Environmental Management Plan - Biodiversity Supplement - Beili Glas', dated 17/01/2022, by JEHU Group

We note that the above document has been submitted in support of this application, and as an update to 'Construction Environmental Management Plan, Beili Glas', dated 16/04/2021 by JEHU Group, however there is still insufficient information within the CEMP.

Further information regarding the following should be sought from the applicant:

- Monitoring the watercourses for signs of pollution
- Monitoring the effectiveness of the mitigation
- A plan to stop, think and act when pollution has been identified (stopping pollution when it is identified and re-applying more appropriate mitigation to stop the pollution from re-occurring)

As such, we would advise that the following condition should be included on any planning permission that your Authority may be minded to grant.

Condition 1 - Construction Environmental Management Plan

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.

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The CEMP should include;

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development. Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

European Protected Species

We welcome the submission of the following additional information:

- 'Bat Survey Addendum, dated 09/02/2022 by Hawkeswood Ecology
- 'Beili Glas, Loughor, Green Infrastructure Plan', dated 11/02/2022, by Tetra Tech
- 'Revised Protected Species Report (Bats) for Surveys on Land at Beili Glas Farm, Llwhchr, Swansea', dated January 2022, by Hawkeswood Ecology

Bats

We note that since our previous response, reference CAS-168188-K0D0 (dated 02/11/2021), additional ground based and climbing surveys have been completed of trees on site which were considered to have potential for roosting bats, following the ground level tree assessments undertaken in 2020.

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The revised protected species report confirms that whilst no bat roosts were identified, six trees have been assessed as having moderate roosting potential. The submission suggests that five of these trees are to be retained, with the exception of T607 which requires removal for safety reasons. We note and welcome that this tree will be subject to further survey prior to its removal.

As previously advised, we request that any planning permission afforded to the scheme must include a condition which ensures the submission of an appropriate Lighting Plan, prior to its installation.

Condition 2 - Lighting Plan Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority.

The Lighting Plan should include;

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas
- Details of lighting to be used both during construction and/or operation

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species and commuting corridors.

Legislation & Policy

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

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

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

Flood Risk

We note the submission of the document titled; 'Flood Risk Assessment & Drainage Strategy Report: Proposed development at Beili Glas, Loughor', dated October 2020, by Spring Design Consultancy Limited.

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We note that although the site is not within the flood zone and is not at risk from fluvial or coastal / tidal flooding, Section 3.3 of the report states that some low-level surface water flooding at the south-eastern site boundary (which coincides with the existing network of drainage ditches around the site perimeter), may occur. Therefore, we advise that the applicant consults with the Local Authority Drainage Engineers with regards to the drainage ditches and any potential flood risk arising from them.

Foul Drainage

We note that the proposal appears to build on the drainage field for the septic tank located at Beili Glas Farm. Your Authority will need to ensure that the new proposal will not affect the sewerage system for Beili Glas Farm.

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.

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

Dwr Cymru / Welsh Water (DCWW)

Initial Comments

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0005297) has been acknowledged and included at Appendix F of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning, which offered no objection in principle to disposal of foul water flows to a connection point along the sewerage network draining to Llannant WwTW, as per the submitted 'Foul Drainage Plan' (Drawing No. 2361-SK501). In contrast we advised that surface water flows would be subject to SAB consent, in accordance with Schedule 3 of the Flood and Water Management Act 2010, and in principle we offer no objection to proposals to dispose flows via soakaway systems, as per the submitted 'SuDS Strategy Plan' (Drawing No. 2361-500), subject to consideration of interaction to proposed adoptable drainage. Notwithstanding this, we also highlighted there would be a requirement to undertake a Hydraulic Modelling Assessment of the potable water supply network and we can corroborate that a HMA was commissioned as per the PAC report. Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

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Condition - No buildings on the application site shall be brought into beneficial use until such time as reinforcement works to the local water supply network, at which the development shall connect, have been completed as identified in a Hydraulic Modelling Assessment and written confirmation of this has been issued to the Local Planning Authority.

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

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.

Final Comments

With respect to our previous response (Ref: PLA0060057), we acknowledge receipt of amended plans including 'Foul Drainage Plan' (Drawing No. 2361-SK501 Rev. B) and 'SuDS Strategy Plan' (Drawing No. 2361-500 Rev. E) and offer no further comments. Notwithstanding this, we remind that a potable water supply scheme is required in accordance with a Hydraulic Modelling Assessment undertaken of the potable water supply network and no SuDS feature will be permitted to be located within the protection zone/easement of any existing or proposed adoptable on-site drainage.

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Accordingly, as previous, 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 : No buildings on the application site shall be brought into beneficial use until such time as reinforcement works to the local water supply network, at which the development shall connect, have been completed as identified in a Hydraulic Modelling Assessment and written confirmation of this has been issued to the Local Planning Authority.

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

Gwent Glamorgan Archaeological Trust (GGAT)

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

Information in the Historic Environment Record indicates that the application area proposal is located in an area of high archaeological potential. It is located close to the line of the Roman road leading east from the Loughor fort. Remains of Roman date have been discovered alongside the road, including an altar, quern stones, coins, pottery, possible kiln etc. As a result it is possible that archaeological remains may be encountered during the course of the proposed works.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. This is consistent with our response to pre-application consultations, the LDP and a previous application for this site in October 2000.

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

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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

Coal Authority

Initial Comments

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration.

I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the northern part of the site lies within an area of recorded shallow coal mining and within 20m of the north-eastern boundary (Drawing No. 2361-(02) - 100: Location Plan) there is a recorded mine entry (CA shaft ref: 257198-003). Our records disclose that "this shaft has been capped with a 3.7m square concrete cap to an unknown specification", however due to the historic source plans to plots its current position, this could vary by several metres. Notwithstanding the above, it is unlikely that the recorded mine entry will be present within the application site boundary.

The planning application is accompanied by a Preliminary Geotechnical & Geoenvironmental Assessment, Draft Report February 2019 (Section 9: Coal Mining Risk Assessment) prepared for the proposed development by Earth Science Partnership. Our comments are being made on this version of the Report only and therefore any changes could affect our recommendations. It is noted that a Site Investigation Report, March 2015, prepared by Intégral Géotechnique (Wales) Limited (Geotechnical Engineers) also accompanies this planning application, however it should be noted that this has not been prepared for this application site rather for the site to the east of this site.

Section 9 (Coal Mining Risk Assessment) of the Draft Report has been informed by an appropriate range of geological and coal mining information. Having carried out a review of the available information, the report author identifies the possibility that unrecorded shallow coal mining, may be present beneath the site that may affect the safety and stability of the development. Whilst Section 9.3 identifies that the recorded mine entry is not considered to adversely influence the proposed development, unrecorded mine entries could be present.

Accordingly, recommendations have been made that additional research and investigation is required. Section 9.5 informs that once efforts have been exhausted in obtaining any further available information (Site Investigation Report above), this can then be used to further design the ground investigation works required (Section 10).

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If shallow coal workings are encountered at this site with the potential to influence surface stability, the Coal Authority will expect that an appropriate scheme of remediation should be implemented.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. The applicant should note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas - It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Sustainable Drainage - It should be noted that where SUDs are proposed as part of the development scheme, consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Surface Coal Resource - The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

The Coal Authority Recommendation to the LPA In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until; a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made. The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

Final Comments

I can confirm that the Coal Authority has no specific comments to make on the amended plans and application description, therefore our previous comments dated 04 October 2021 remain valid and relevant to the decision making process.

Placemaking And Strategic Planning Advisor

Initial Comments

Overview - This is a full application for 103 dwellings on land which is allocated for residential use in the LDP. The proposal comprises the provision of 42 Affordable dwellings and 61 Market dwellings, together with the provision of open space, play provision, retention and enhancement of green infrastructure and SuDs scheme. The site has some constraints from existing dense trees and hedgerows including TPO's. The site is bordered by residential development to the west and north and incorporates a PROW to the east. The PROW and existing green infrastructure separates the site from the Barratt Homes site to the east which is currently under construction.

Principle of Development - The site is an allocated housing site and therefore the proposal is acceptable in principle. It is allocated for 60 units in the LDP which is a fairly low density having regard to the overall size of the site but reflects the limited information available on various constraints effecting the site that have potential to limit the developable area. These relate for example to the presence of TPO's, existing hedgerows, the sites sloping terrain and the space that would be needed for GI and areas for open space and recreation. Site capacities in the LDP are not to be regarded as an absolute cap for unit numbers that can be permissible for planning applications. Higher density can be justified if it can be incorporated in line with the requirements of the LDP and placemaking principles.

Placemaking Principles - The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate.

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FW Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives,
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2, SD2 and ER 2 highlight that:

- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- development should enhance the quality of places and spaces and respond positively to aspects of local context and character.
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on the importance of development integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty")

FW Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development provides:

- guidance on how the requirement for biodiversity can be addressed and assessed. details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals.

Having regard to the above placemaking requirements, there are a number of issues that will be key to assessing whether this proposal is acceptable, including: whether the proposed layout and density is acceptable having regard to the constraints/opportunities of the site; the mix of house types/sizes proposed; the relationships with existing dwellings around the site boundary; the distances between the proposed properties (including having regard to the levels); the potential for any unacceptable overlooking; proposed levels of amenity space; and the GI and SUDS requirements.

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The following highlights specific comments in relation to placemaking matters:

Given the nature of the development, it is important that the proposals are assessed against the relevant adopted placemaking/design guidance SPG relating to residential development. The soon to be adopted Placemaking Guidance for Residential Development SPG should be applied, as well as the key LDP policies identified. The key placemaking requirement is for a green infrastructure led placemaking approach that clearly responds to the site context.

The proposed layout shows the site to be served by two vehicular access points to the west, off Heol Pen-Y-Beili and Heol-Y-Wern. The existing footpaths serving these streets are shown to be extended into the site.

The site is broadly triangular in shape, comprises green fields bounded to the north and west by existing residential use. Planning permission (Ref 2013/0617) was granted in September 2017 for 92 residential dwellings immediately east of the site. The site incorporates a number of green corridors, most notably running along the eastern boundary and two existing green corridors which run east-west through the site, the most southern features protected by TPO's. The site slopes from north to south.

The Grade II Listed Capel Moriah and associated schoolroom are located approx. 180m north-east of the site on Glebe Road. Due to the separation distance and intervening built form there is not considered to be any adverse impact upon the setting of the heritage assets.

In terms of active travel routes there are a number of existing routes that link the site to the district centre of Gorseinon, located approx. 1.8km to the north-east, which comprises various services and facilities. Gower College is located approx. 750m to the east, Tre Uchaf Primary School approx. 220m to the north and Ysgol Gynradd Pontybrenin 1.3km to the east. There are bus stops in close proximity to the site located along Glebe Road. On this basis, and exploring opportunities to enhance routes, there is the presumption that future occupants could walk/cycle for local trips and the site is considered to largely align with the objective for the creation of sustainable and cohesive communities.

The proposal provides a density of circa 35 dph which is appropriate to the context.

The proposed layout shows 61no. market dwellings (consisting of 20 x1 bed apartments, 10 x 2 bed, 10 x 3 bed and 2 x 4 bed homes), and 42no. affordable dwellings (comprising 22 x 2 bed, 34 x 3 bed and 5 x 4 bed homes). This mix is considered to provide a good range of house types and tenure. The affordable units are generally well dispersed throughout the site to ensure they are fully integrated into the development aside from the concentrated pocket as referred in policy comments below. Should there be some market 1 bed apartments included to mirror the affordable units? The Council's Housing Officer should be consulted to provide specific comments on local need.

The site has no 'street frontage' being located to the rear boundaries of dwellings fronting onto Glebe Road to the north and rear boundaries of existing residential development to the west.

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The site layout retains the existing landscape and biodiversity features, most notably the existing periphery hedgerow/trees to the south/east which form a defensible boundary to this perimeter, and the two E-W green corridors, which appear to be positively integrated into the layout. The retention of these important GI features is welcomed in terms of green infrastructure and biodiversity.

A Green Infrastructure Plan forms part of the submission which illustrates the existing features that will be retained and also shows proposed new planting, including multifunctional GI/SuDS features including rain gardens to one side of the street and wildflower meadows in detention basins. Whilst this approach is broadly supported, and the site is inherently 'green' as a result of existing features, further consideration should be given to the inclusion of street trees in appropriate locations throughout the site, for example within tree pits alongside the rain gardens. If street trees are to be included within raingardens ('structure in a structure') then it will be necessary to demonstrate that the tree roots are contained/protected within a rootspace structure to ensure that the trees are protected during any required maintenance works to the raingardens (general rule of thumb is that a raingarden needs replacing every 20-25 years). Alternatively street trees could be within green verges separate from the rain gardens.

In addition, the site abuts a SINC to the southern perimeter, how does the GI Strategy address this? Has an ecological constraints and opportunities plan been provided?

There seems significant scope to include an enhanced, multifunctional approach to GI/play space at the site (the site is lacking adequate play space). Can some informal activity trails, for example, be incorporated into the central green corridor which then link into the existing PRoW to the eastern boundary of the site?

Further detail is needed to adequately address GI at all scales, i.e. landscape/ neighbourhood/street/plot level. Fundamentally, in order to understand the approach to green infrastructure a GI Strategy should be prepared.

A Tree Survey has been carried out which highlights that to facilitate the proposed development there will be some loss of existing trees within the site. The Council is in the process of adopting the Trees, Hedgerows and Woodland SPG (which is likely to be adopted at the time of determination of this application and therefore applies in the assessment of this scheme). The SPG notes that the Council will seek to mitigate the impact of development by maximising the number of appropriate trees to be retained on site and integrated into the design and layout. Where Category A and B trees cannot be retained, the Council, in the first instance will seek compensatory replacement planting on site. Replacement trees should include 'large growing' species chosen as part of the design layout. The submitted Tree Survey indicates that a number of trees/ tree groups are to be removed, including 1no. Category B Oak (T614) and two groups of Category B Elms (4m and 6m sections). The Swansea Tree Replacement Standard (TRS) (Appendix 1) of the SPG should be used to calculate the total number of replacement trees required. This detail, to explain compliance with or otherwise with the TRS, is required to be provided in support of the GI Strategy / Landscape Strategy.

In terms of SuDS, the proposed layout shows verge rain gardens to one side of the street and wildflower meadows in detention basins. A pumping station is located to the southern tip, the lowest point of the site.

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A separate fully engineered SAB application will be required in order to confirm that the SuDS strategy is acceptable and therefore to provide confirmation that any landscaping within the raingardens, along with other SuDS features, will be feasible.

Looking at connections with the wider area, two new pedestrian links will be provided into the site from the west. There is also an existing PRow running along the entire eastern site boundary linking Glebe Road to the north with Heol -Y-Wern to the south. The proposed layout plan is annotated to include three 'proposed footpaths connecting into the existing woodland path' (PRow). Also, as touched upon above, there is considered to be significant scope to incorporate some informal play areas / activity trails along GI corridors/footpath routes, i.e. in particular to the space opposite plots 102-103, and also opposite plots 81-87.

In terms of POS, as a result of the size of the site, a LEAP/LAP and potential contribution to a MUGA are expected. This is in accordance with Fields in Trust guidance. The submission does not provide information on the location of the closest play facility, although there are playing fields located approx. 1km to the east of the site and this is in excess of an acceptable walking distance.

The only formal area of POS included on the proposed layout is a LAP to the south of the site - POS should be a focal point and it is not clear what the rationale is behind this periphery location? This is not ideal and is not integrated within the development. The GI plan indicated this area is to be planted as a wildflower area and a water attenuation area. Therefore, given this and the sloping nature this area is likely to become waterlogged. It is therefore questioned as to the feasibility of incorporating any play value in this area.

There is also an area of 'natural play' shown to the north-east (no specific details provided). Given the size of the site, the play provision is insufficient. This area indicates a footpath running through it and this would appear to serve as an important link to increase accessibility to the site to the east and help integrate both developments. Further detail is required to show how this footpath can be integrated into the existing footpath with the Barratts development.

The site lends itself to the incorporation of further informal activity trails and more naturalistic play equipment ie stepping stones within the central green corridor and along the eastern boundary. Further consideration is required to ensure an adequate provision of POS for a site of this size. All POS must be located in convenient, safe and accessible locations which are well overlooked and achieve adequate separation distances. Places for rest should also be incorporated.

There may be potential to widen the central green corridor to incorporate the play provision in a more central location (especially when taking into consideration to the issues identified relating to separation distances between dwellings to the south of the site). This area benefits from natural surveillance and can more appropriately serve the whole development. This could also encompass the area to the east of Plots 101-103. Given the nature of the woodland setting the play provision could incorporate a mixture of equipped and natural play opportunities. The GI strategy should consider how these areas can work for play (levels, types of play provision) and also deliver other multifunctional benefits.

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Is there scope to amend the flats in the east (northern group) so that the footpath to the sunken lane and adjacent play area is more legible and not directed towards the rear of the garage in the existing adjacent development? The privacy distances between the flats and existing adjacent gardens should also be checked.

There appears to be an existing community path from the spur off Beili Glas running between Nos 1- 2 and 8-10, and there is an area of green space adjacent in the proposed layout between Plots 12 and 13 but it is not clear if this area is to allow pedestrian access?

The street layout aligns with the 'place-led' approach and includes gentle meandering alignments and shared streets/private drives. The required retention of the central GI features results in the site effectively being split into two distinct development areas and therefore erodes the ability to create a fully connected street layout. However, an active travel link is provided between Plots 22 and 96 and a footpath linkage to the frontage of Plots 101-103 hereby enabling a cohesive site layout.

The site layout provides an outward facing development to the east, in most part overlooking the established boundary vegetation and PRoW. This approach is welcomed. The western and northern section of the site is inward facing in response to the rear garden boundaries of existing residential dwellings. This would appear the most appropriate response to the context.

The dwellings are orientated as to engage with the public realm. Key corner plots should be dual aspect with windows to habitable rooms in the side elevations in order to positively turn the corner and maximise natural surveillance. It appears this approach has largely been adopted throughout the site, however it is noted that Plot 103's north elevation needs to be revised to be dual aspect to address the transition to the adjoining open space, which could include additional POS.

The approach to parking comprises predominately private side driveways which is supported. There are some examples of frontage parking - Plots 11, 17, 18, 35-36 - but on the basis these are broken up with planting there is no objection. The parking arrangement to Plots 74-76 is not desirable, with the parking for Plot 74 directly outside Plot's 75 window, nor is that for Plots 69-70. The layout may need to be loosened in this north-east element of the development to allow acceptable parking arrangements.

Turning to quality and character, there is no strong local vernacular character in the area. The mix of 1 bed apartments, 2, 3 and 4 bed dwellings, each two storeys in height is in keeping with the context. The dwellings take a more contemporary appearance with pitched roofs and front gable features, and will be finished in red brick or smooth render, with concrete tiled roofs and uPVC windows.

As highlighted in the Residential DG SPG, sites comprising 50 or more homes will create a structure and hierarchy of new streets and spaces and this hierarchy must be reinforced by uplifted bespoke elevations in areas such as key streets, corners, junctions and facing onto key public spaces. These 'uplift' dwellings should be highlighted on the layout plan. Likewise, for sites of 100 or more homes, in addition to the uplifted elevations, it is expected that character areas will also be defined to differentiate parts of the place. In this instance, perhaps the central green corridor is used as the clear distinction between the north and south of the site?

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In terms of space inside the home, the floorspace information provided within the schedule of accommodation on the site layout plan illustrates that each of the proposed dwellings meets the minimum internal space standards. This is welcomed.

Broadly speaking the dwellings are shown to be set within plots of an adequate size and shape which take a degree of informality. In accordance with guidance for developments of 100 or more homes, 25% of the homes appear to have gardens of sufficient size for rear extensions etc whilst leaving sufficient garden amenity space. Plots 84-85 are somewhat contrived as a result of the parking for Plot 88. Likewise, the Plots 38-39 are pinched due to the parking arrangement to the rear.

There is a need for balconies for all upper floor flats and ground floor flats should have direct access to a private garden/terrace. No balconies/Juliet balconies have been provided and this needs to be addressed to the apartment blocks (211/212 house types).

In terms of the larger apartment blocks (212), there are concerns raised about the relationship with the footpath and boundary vegetation along the eastern boundary. There is presently a lack of active frontage to Plots 48-53 which presents its side elevation to the pedestrian route and hereby fails to actively engage with this route. Also, the proximity to the existing trees/hedgerows raises the question as to whether the apartments need to be shifted away from the boundary and/or potentially re-orientated? In terms of proximity to existing trees/overshadowing, concern is also raised regarding Plots 97 & 103 which are located immediately to the south of the central tree corridor.

The levels at the site present some challenges, in particular (Section H-H) the level differences between Plots 88-92 and Plots 79-83 to the south, separated by a reinforced embankment. These separation distances should be reviewed and additional separation (above the standard 21m back-to-back min distance) will be required. There is a 6m slab level difference between the groups of 79-82 and 88-92. This will potentially result from excessively shaded and unusable gardens for the lower units. All separation distances should be checked by the case officer.

In summary, the proposal appears to retain and incorporate the established boundary vegetation and internal green corridor which is welcomed. However, the submission lacks sufficient detail to fully comment on GI at all scales. A GI Strategy should be prepared to address this. In addition, further clarity is required on SuDS features throughout the site and how these are multifunctional. The location and provision of POS is inadequate and further consideration should be given to integrating multifunctional GI/SuDS/POS in more accessible, central locations to serve the site and wider community. The outward facing development to the east is welcomed, however the apartments (48-53) need further consideration to ensure there is an acceptable relationship between these and the adjoining PRoW. The apartments also need balconies added above ground floor and private gardens/terraces to ground floors. Particular care needs to be given to some of the southern plots due to the level changes and separation distances to highlighted plots will need to be increased to reflect these changes.

Other Key Issues

Affordable Housing - The site is located in the Greater North West Strategic Housing Policy Zone (SHPZ). In line with Policy H3 On-site affordable housing, the site should provide 15% affordable homes.

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The site incorporates a significantly increased percentage of affordable housing at approximately 41% and this is welcomed in terms of its contribution to meeting affordable housing need within Swansea. The affordable housing units are generally dispersed across the site but there remains a concentration of AH around the turning head (Plots 34-37, 45-47, 64-65, 54-59). This concentration should be revisited to improve the mix of affordable and open market housing. The Council's Housing Strategy Officer should be consulted as to the acceptability of the proposed affordable housing mix and distribution. In any event, 15% Affordable Housing will need to be secured via a S106 Agreement to ensure it remains in perpetuity should the site be sold on.

POS/Childrens Play - The proposed play provision should be assessed in accordance with the FiT guidance set out in the Six Acre Standard Document, Policy SI 6 and the Councils Open Space Assessment and Open Space Strategy. The site is located in the Lower Loughor ward which the Open Space Assessment states is deficient in FIT provision. This indicates the area has an over provision of outdoor sports facilities but a deficiency in Childrens Playing space (0.6ha) and specifically equipped play space (0.06ha). This is particularly the case in the east of the ward where the site is located. Given the scheme size the site should provide a LAP/LEAP and a potential contribution to a MUGA. This is in accordance with the FIT guidance.

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. Appendix 3 of the Plan notes with regard to Active Travel Priority Schedule Measures that part of the Active Travel AT6 Loughor Link is on the site. With regard to PROWs, connections and improvements will be sought to the following which are on-site or adjacent to the site: LC39, LC40 and LC38. These are marked as essential measures in Table 1 of the LDP.

The scheme proposes a number of connections to the adjacent PROW to the east which leads to Glebe Road and to the footpaths to the south of the site. Although the Transport Statement indicates this route is only used by dog walkers, through development of the site this is likely to become a key route from the development to Glebe Road. In accordance with T5, proposals should maximise the accessibility of the site via public transport and active travel and provide suitable facilities and a safe, attractive environment for pedestrians, cyclists, and other non-car modes of transport.

There is a need for an active travel connection from Glebe Road to the site and this should be explored to provide permeability and good accessibility to local services. The transport statement indicates a new 3.0m wide shared use footpath/Cycle path route will be created from the site's connection to the PROW to the proposed car park in the east, to link the site to Glebe Road. However, this relates to the previous iteration of the scheme. It is not clear what is currently proposed with regards the extent of the improvement to the PROW to promote active travel to and from the site. Can this be extended to link to the northern most connection to the PROW from the site?.

The Council's Highways Officer will advise on the adequacy of the proposed measures to facilitate active travel through the site and to the wider network through this application.

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Green Infrastructure - In line with Policy ER2 developers should at the earliest stage consider all opportunities to maintain and enhance the multifunctional benefits of the County's GI network. The principle of multifunctionality is key to delivery of GI. It will require a multi-disciplinary approach to ensure that matters relating to drainage, ecology, active travel, open space, play provision are all considered holistically.

Drainage - In terms of drainage, 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. Appendix 5 of the LDP notes for this site that, from engagement with Welsh Water during the preparation of the LDP, the site drains to Llannant Waste Water Treatment Works and Welsh Water have stated that reinforcement works would be required. This is marked as a required measure in the infrastructure needs for the site within Appendix 5. Welsh Water have also stated during preparation of the LDP that, in order to establish what would be required to serve the site with an adequate water supply, an assessment on the water supply network will be required. Welsh Water will need to be consulted to provide further comments on this matter. Policy RP 4 requires that sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

Infrastructure - Policy IO1 seeks to secure appropriate infrastructure requirements as part of a proposed development. Appropriate provision for Affordable Housing, Highways, POS and Play provision will need to be secured where required. Relevant Council departments should be consulted on this matter. The LDP sets out the infrastructure requirements for this site which includes off-site financial contributions for primary and secondary schools in the catchment in line with Policy SI 3. Education colleagues will need to be consulted regarding this.

Welsh Language - The site is located within a Welsh Language Sensitive Area. In line with Policy HC 3 the proposal requires a Welsh Language action plan to set out the measures to be taken to protect, promote and enhance the Welsh language. A Welsh language action plan has been submitted to support the application. In order to mitigate the potential impacts of the development and to ensure the proposal can contribute positively to the cultural fabric of Loughor, the scheme should contain mitigation measures including the recommendations listed within the applicant's submitted LIA. The following mitigation measures represent a minimum of what would be required 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 Loughor.
- Financial contribution if considered necessary by Education colleagues to Welsh medium schools in the catchment.
- Support for Menter Iaith Abertawe, or other Welsh medium community groups, within the ward.

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Ecology - In line with Policy ER 9 development proposals should maintain, protect and enhance ecological networks and features of importance for biodiversity. The GI strategy will need to consider this for the site and the adjacent SINC. The site is a greenfield site with significant green infrastructure and woodland throughout and has the potential to support a number of species. An ecology report and species report have been submitted. The Council's Ecologist should be consulted to determine the acceptability of the proposal in line with Policies ER 8 and ER 9.

Renewable and Low Carbon Energy - As the scheme proposed is for 103 dwellings in line with Policy EU 2 development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal. The scheme requires a comprehensive energy assessment to determine the feasibility of incorporating low carbon or renewable energy installations and/or connect to renewable or low carbon energy technology and district heating networks. An Energy Statement has been provided. However, this does not fully demonstrate a feasibility assessment has been undertaken as required by the policy. In any event given the comments raised it is unlikely the scheme will accommodate 100 dwellings.

Final Comments and Summary - The site is an allocated housing site and the principle of development is acceptable. The proposal provides a greater percentage of affordable housing across the site than that required by LDP policy, as part of a good mix of open market and affordable homes. This is welcomed and will contribute to meeting affordable housing need.

The proposed number of dwellings across the site is significantly more than that specified for the site in the LDP. Whilst a higher density could be feasible, the proposals do not currently sufficiently deliver on other LDP requirements as part of the placemaking approach, in particular in respect of play provision and GI. The proposal appears to retain and incorporate the established boundary vegetation and internal green corridor which is welcomed. However, the submission lacks sufficient detail to fully comment on GI at all scales. A GI Strategy should be produced to address this requirement.

In addition, further clarity is required on SuDS features throughout the site and how these are multifunctional. The location and provision of POS is inadequate and further consideration should be given to integrating multifunctional GI/SuDS/POS in more accessible, central locations to serve the site and wider community.

The outward facing approach to the development to the east is welcomed, however the apartments (48-53) need further consideration to ensure there is an acceptable relationship between these and the adjoining PROW. The apartments also need balconies added above ground floor and private gardens/terraces to ground floors. Particular care needs to be given to some of the southern plots due to the level changes and separation distances to highlighted plots will need to be increased to reflect these changes.

Opportunities for active travel enhancements should also be re-considered, with particular regard to the PROW to the east of the site.

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Final Comments

Previous Placemaking and Strategic Planning comments were provided in relation to this proposal indicating broad support in principle when initially submitted. However placemaking issues (in particular green infrastructure provisions) were highlighted as requiring further work.

The amended proposals are assessed below in terms of their placemaking merits.

Back to back distances on sloping site: The site slopes from north down to south. The adopted Placemaking Guidance for Residential Development suggest an increased separation for homes at different levels. The proposed layout increases separation beyond the basic 21m requirement but cannot achieve the full increased separation as required by the SPG. This is due to site constraints and placemaking aspects such as defining key outward facing frontages and closing views through the site.

In this case it is considered the issues of overlooking and overbearing resulting from houses at different levels can be addressed via additional planting within the rear garden areas to provide screening and by gently sloping gardens in order that the exposed height of any retaining walls are reduced. Therefore the site structure and separation distances are considered acceptable on balance.

Affordable housing distribution: The initial submitted layout proposed 12 one bed affordable flats in 2no blocks in the east of the site on the same street. This was considered an over concentration of one type/ tenure of accommodation.

To address this one block containing 6 no one bed flats has been omitted and more private housing introduced into the eastern street adjacent to the natural play area and additional one bed flats have been dispersed around the site. As a result the number of homes proposed has reduced from 103 to 98. This creates a more balanced distribution of accommodation and this approach is supported in terms of breaking up clusters of affordable housing and creating mixed cohesive communities.

Play strategy: The initial submitted plans proposed a natural play area in the east plus a LAP in the south. Through assessment of the proposal it was flagged that a LEAP and LAPs were required on site for new residents and to address deficiencies in the local area, plus the southern LAP was omitted to accommodation drainage requirements.

The amended proposal is now for a natural play area in the east of the site and a play trail in green corridors within the site. The natural play area has been confirmed to be a LEAP with is 6 play features and 400m² of activity area. The play trail features are proposed in 4 locations within number of green corridor and green edge locations. These are effectively separate LAPs.

It is noted that the play provision on site appears to be aimed at younger years with no provision for teenagers etc and the LEAP proposed does not have the same play range as the LEAP on the adjacent Barratt Homes site. Therefore, considering the deficiencies in equipped play provision in the area, it is considered appropriate to require an off-site s106 contribution to upgrade the existing MUGA in Parc Williams. Parks Colleagues have suggested that the existing MUGA does require improvements and could be upgraded for £25k - £30k

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Green Infrastructure: Planning Policy Wales requires green infrastructure at all scales, this includes provision at street level close to homes. This is reflected in the Council's adopted Placemaking Guidance for Residential Development SPG.

The proposal retains existing GI such as mature trees/hedges on the boundaries which is welcomed in terms of the scheme integrating GI at the landscape scale. However there is a lack of appropriate GI being provided at street level. Specifically, there are two tree build-outs proposed into the street layout, which is insufficient. Additional street level GI is required to make the development acceptable in placemaking terms and the submitted drawings thus far have not shown how this required GI will be incorporated into the proposed street layout. The applicant has been asked to increase street GI provision and has agreed to address this via condition.

Given the above a planning condition is required to ensure appropriate additional street level GI measures will be incorporated into the development as an integral part of the detailed street design. It is only on this basis that approval is recommended in placemaking terms. This recommendation is also on the basis of S106 contributions being provided for off-site play/recreation improvements at Parc Williams and additional conditions to address:

- Samples/ materials
- Large scale drawn details of roof PVs

Head of Transportation and Engineering

Initial Comments

Scheme Proposals - Residential development of 103 dwelling units comprising 18 detached dwellings, 22 pairs of semi-detached dwellings, 21 linked dwellings and 20 one bedroom apartments in 6 no. two storey blocks with associated access, landscaping, drainage and associated works.

Planning Background - This consultation response has been prepared on the application site which has seen previous planning activity. The Highway Authority has been consulted in Pre-application requests and a Pre-Application Consultation (PAC) to which it has responded in detail.

The Highway Authority also met with the applicant and their design team to discuss the proposals and in this meeting it provided detailed advice and detailed the expectations in order to provide a safe and sustainable development.

The most recent consultation response was provided by the Highway Authority on the PAC, this has been presented below (in italics) to set out the detailed context of the advice provided, which is consistent to that at pre-application requests and meetings.

"Pre-application advice is sought for a residential development of up to 107 dwellings. This application site has seen previous planning activity both through development plan consideration and more recently as part of a pre-application request for around 60 residential dwellings and also 107 dwellings in August 2020.

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This advice has considered the previous response and the current development proposals in the provision of this advice for Pre-Application Consultation (PAC).

The red line boundary plan presents a plot of green field land located to the south of Glebe Road. The proposed site extends the existing residential settlement network from the west at the southern and northern points. A Public Right of Way (PRoW) runs across the site from Glebe Road in a southerly direction.

The previous pre-application request included a Transport Assessment (TA); in this PAC submission it is confirmed that TA has been provided. We issued initial advice and set out this will help inform the TA document, although there seems to be no reference to previous Highways advice noted or referenced in the TA. Scoping discussions were recommended prior to the undertaking of the TA to agree the key assessment parameters; this has not taken place prior to the completion of the latest TA.

The proposed form of access is proposed to be split with two cul-de-sac arrangements, each as an extension of two existing cul-de-sacs, Heol Pen-Y-Beili to the north and Heol-Y-Wern to the south. The southern and northern section are to be split in vehicular access terms, although footway connections appear to be provided. No new junctions will be created onto the existing highway.

Access and Internal Layout - The masterplan focuses upon access from Heol Pen-Y-Beili and Heol-Y-Wern. The guidance would be that the site would be assessed on its travel sustainability based on the quality of its links with Glebe Road. In this regard more detail is required on the treatment of these links.

As mentioned in the past, the connection with Glebe Road to the north-east of the site is considered important; this has now been included within the red line plan. This should now be fully included within the masterplan design for multi modal travel. It was also set out that the footpath link from Heol Pen-Y-Beili should also be considered to make it more attractive for non-motorised travel.

In terms of internal layout design, the main spine route should be designed as such with the width being 6.0 metres, this can be reduced to 5.5 metres on the adjoining minor roads. The current plan shows 5.5 metres width throughout with some localised narrowing below this.

Footways will be required to be provided throughout the development at 2.0 metres width on both sides of the carriageway; some areas do not show this on the masterplan (southern section of masterplan). To facilitate Active Travel in future generations a shared used cycle route / footway should be provided along one side of the spine route for the entirety of the length and linking the two development parcels; this has not been provided.

CCS Highways advice has always been against introducing tight bends within the internal layout. There are a number of tight bends with the layout and immediately on entry to the northern parcel. These were confirmed in previous advice as unlikely to be considered adequate for circulation of vehicles and safety for all users. It was set out that any tight bends will be considered in detail and will require submission of full swept path analysis of appropriate vehicle types travelling in opposite directions in addition to forward visibility areas retained and not incorporated into residential property boundaries.

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The TA has submitted swept path of a refused vehicle only and this causes concern showing a layout that would cause issues in servicing. The bends do not allow sufficient room for manoeuvre and highlight the areas of conflict in any areas where on street parking may occur. In some cases, travel in the opposite direction could not be achieved; this is more prevalent in the southern parcel, where the turning head is also unable to accommodate the required vehicle.

The forward visibility assessment appears to show that housing plots and buildings may be required in order to satisfy requirements. The Highway Authority requires all areas within visibility envelopes to be offered for adoption or classed as highway and not what will ultimately become third party land. This layout causes concerns that adequate visibility cannot be achieved, further compounding issues around the narrow carriageway width and the tight bends.

In general, access and circulation proposals should be supported with swept path analyses using appropriate vehicles for the area being assessed. In this case, refuse, removal and emergency vehicles in addition to private cars and home delivery vehicles. The layout should be designed around the movement and turning needs of these vehicles in an iterative design process rather than attempts to assess the layout retrospectively.

Turning areas must be provided when the proposals result in a cul de sac, in the main these appear to be included, these must be appropriate for vehicles that are likely to require access, such as a refuse vehicle, home shopping vehicles and cars. The turning areas will need to be designed in a manner which prevents their use as driveway extensions, where subsequently turning room is lost to parked cars. Large parking courtyards will be discouraged and resisted. It is not clear how the courtyards to the north-east will work, there is a footway link through these areas; further detail is required.

It is noted that the layout now shown as the proposal has changed from the period where swept path and forward visibility assessments were undertaken. This will require updating. The existing site has noticeable level differences. We would require further details of proposed gradients and a long section detail through the spine route to ensure that the proposals can be designed to adoptable standards.

The proposals do not require any new junctions to be created, however, there will be modifications required to the proposed connections points to ensure safe and adequate access. It was advised that the red line boundary to the site would need to be adequately extended to cover the access approaches.

In the north Traffic Regulation Orders will be required to formalise the priority of the route, for example give way markings on Beili Glas cul de sac and works to enhance the footpath link to Glebe Road. To the south improvements will be required for safe pedestrian access on both sides of the existing carriageway. This will include footway provision on the northern side of the carriageway, potentially as a footway crossover to retain existing parking areas and also full connection to the southern footway.

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

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Parking - parking must be provided in accordance with the adopted supplementary planning guidance (SPG) and should be designed and located in such a way that it prevents the potential for overspill parking onto the existing adjacent highways.

Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces. This allocation of parking for dwellings should be shown clearly on all future submitted proposed layouts.

Parking must be provided within the curtilage of each proposed unit. Garages will only be considered as parking spaces if they meet the minimum clear internal dimensions of 6 metres by 3 metres (for single garages). These must also be accompanied by a minimum of 6 metres length of driveway, which is not less than 3.6 metres in width. These dimensions would obviously need to be increased for additional parking spaces. Integral garages are also subject to these minimum dimensions if there are to be considered part of the parking allocation.

Visitor parking should also be provided at the rate of 1 space per 5 residential units.

Where apartments or flats are proposed, cycle parking must be provided. The guidance states that 1 cycle parking stand per 5 bedrooms is provided within a safe, secure and convenient location.

The current proposals are set out in the TA to provide around 5 spaces less than the maximum standards. This would need to be set out in more detail to understand where this will occur, to consider the proposals in further detail. It was advised that there will be a requirement for spaces to be shown allocated to a plot or designated as visitor parking on the final masterplan. This is supported by the initial findings of the issues of the substandard highway layout, where inappropriate parking could have an impact on highway safety.

Rows of spaces are generally advised to be limited to two rows of separate ownership/assignment. Three rows would not be acceptable without a sufficient separation, such as landscaping strips, given that the central row effective use is entirely dependent on surrounding driver courtesy and ability.

Parking court areas should ensure that adequate manoeuvring areas exist, with a 6.0 metre aisle width to the rear of spaces considered appropriate or in combination with turning areas. The end of each layout route should be assessed with swept path manoeuvres which reflect the requirement to attend daily needs, this can include a refuse vehicle setting out maximum connecting distances for handlers, and also home delivery box luton vans. This previous advice has not been acted upon.

It was requested that the PRow enhancement will need to be set out for consideration (also see below).

Potential Contribution - to Local Improvements. The scheme is required to upgrade the current PRow given that it will be incorporated into the masterplan. The route should be resurfaced in its entirety from Glebe Road into the development until the point where the boundaries part.

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Should the scheme be successfully promoted through planning in some form, there will be financial contributions, in addition to the requirements set out earlier in this response, sought for local improvement schemes. The final details can only be confirmed upon the timing of any formal application and final agreement of the masterplan content.

For informative purposes, we have calculated the likely scale of potential S106 contributions, and this could range between the figures of £90,000 to £115,000. This is subject to detail of the final proposals and is based upon the proposal for a total of 107 dwellings. The contributions will be used for sustainable travel, pedestrian safety and speed reduction measures. This will include a signalised Toucan crossing on Glebe Road for safe access from the site to local facilities and physical traffic calming on Brynllwchwr Road.

Further Information Required - In addition to the advice and requirements set out in the relevant sections above, further information will be required, and this is set out below:

A Residential Travel Plan will be required as part of the proposals.

Stage 1 Road Safety Audit will be required of the proposed layout.

Any advice contained within this pre-application consultation is given as indicative. The suitability of the proposals will be subject to the adequacy of assessment and the findings of the final TA, the final scheme proposals, suitable and appropriate access, satisfactory internal circulation and highway safety. In consideration of the layout currently proposed and the issues identified throughout the exchanges, the Highway Authority is unlikely to be able support the proposals."

The PAC Report submitted with this application, dated December 2020 contains the above comments and confirms in the 'Response to specialist consultees' that

"The comments received are largely similar to those received as part of the Pre-application discussions with the authority. The Transport Assessment produced by Vectos has been updated to address the comments raised by the highway authority."

Therefore, this consultation has considered the TA submitted and the proposed layouts and whether these have adequately addressed the issues which have been raised throughout consultations.

Access and Internal Layout - The proposed accesses have been presented as before, with some minor changes noted. The initial widths access road widths and carriageways that serve driveways do not seem to be provided at 6.0 metres as required. There is no shared use cycle and footway proposed through the site, linking the two development parcels.

There are still tight bends within the layout, these will not be supported. The TA does include forward visibility assessments at 10 mph with 11 metres splays; whilst the assessments are required, the low speed considered within them would not be adequate. The swept path assessments submitted cause concern throughout the development with the wheel or body lines of large vehicles passing over kerbs and footways. The vehicle assessment speed should also accompany the vehicle specification on swept path plans.

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The internal layout is considered to be inadequate in terms of function and also safety of those intended to use it. The Road Safety Audit carried out on the internal Layout, November 2020, shares similar safety concerns, and this does not appear to be addressed or acknowledged by the designer. As a matter for future consideration, the layout reviewed by the RSA has since changed and will require a further review.

The requirements for box luton delivery vehicles passing private cars as an assessment throughout the layout has not been considered.

The requirement to ensure that both proposed accesses are safe and suitable have not been acknowledged or actioned. The northern access via Heol Pen-Y-Beili must be designed to be kept clear for development access, incorporating design changes and traffic regulations orders. The southern access via Heol-Y-Wern must be redesigned to be safe for pedestrian use to include full and direct footway provision on both sides of the carriageway.

Active Travel - It has been set out in detail that the Highway Authority considers that the sustainable travel links for this site lay in the treatment and integration of the footpath connection with Heol Pen-Y-Beili and the PRow connection with Glebe Road. Without the inclusive use of these routes for future residents the accessibility of the site is considered fairly poor. Access to local day to day facilities and bus services is locally provided on Glebe Road. The TA dismisses the importance of these routes as recreational and for dog walkers, opting to not propose improvements in line with the expectation to develop active travel links.

The TA includes an assessment of the accessibility of the site in terms of the local services. This is missing the crucial detail of mapping evidence of distance walked and can therefore not be verified or relied upon. The TA does however rely upon the footway link from Heol Pen-Y-Beili to achieve the shortest journey times to local facilities. The use of this route, without upgrades, will be limited given that it is unlit and is restricted at the Heol Pen-Y-Beili via a limiting swing gate.

The forecast modal assessment contained within the TA draws upon local Census data and advises that the development travel profile could be 80% car driver use. The TA does then set out the opportunities to improve upon this through sustainable travel. However, disappointingly, the site does not promote sustainable travel and does not attempt to improve links for future residents. The proposals go against local policy and are very focused upon the internal development layout, which when considered in full, is not sustainably located enough to positively affect the forecast level of car use.

The proposals do not comply with the policies set out in the TA to create new linkages between developments and existing infrastructure (MfS) or support the Sustainable Transport Hierarchy for Planning (PPW) or enable more people to walk, cycle and travel more actively (Active Travel Wales Act 2013). More locally the LDP requires that developments suitable improvements are put in place to support developments where direct deficiencies exist and improve connectivity, delivering improvements to mitigate the impact of development. It does not maximise accessibility within or without the development layout (LDP Policy T5) providing safe and attractive environments for non-motorised travel. Furthermore, any future residents with mobility or sight impairments, or those in wheelchairs or prams and pushchairs will not be afforded the opportunity for direct high quality links to local services.

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Unable to use the two routes to Glebe Road, these groups will be excluded to travel along the much longer existing highway network routes, and in the case of Heol-Y-Wern, with footway deficiencies at the access and risk to personal safety.

Residents in the southern parcel may therefore be located significantly outside of any guidance on walking distances to local facilities. This in addition to the RSA findings in a shortfall in internal safety provision does not present a development that can be supported, but one that must be resisted in its current form.

Parking - In terms of the parking proposed, the TA sets out an overall number of 229 across the development. This does not provide the detail of where parking is proposed to be reduced in terms of the housing type and location within the development.

The schedule of accommodation has been considered in terms of the number of bedrooms per house type and this provides a maximum parking standard requirement of 237 spaces for residents plus 21 parking spaces for visitors.

As already set out, the proposals should clearly demonstrate where this shortfall from the maximum standards and visitor provision would occur. We would suggest that layout proposed, with narrow 5.5m carriageways, where 6.0 metres is recommended for access and egress to driveways, and tight bends, limits the opportunity for on-street visitor parking. Instead likely to inadvertently promote verge and footway parking eroding the function of streets and suds features.

The proposals for parking are not accepted until the full detail is presented and any reduction sought in parking provision set out in full accordance with the requirements of the Parking SPG, with appropriate evidence in place.

Advice was provided on the acceptability of three adjacent rows of parking, this has not been considered in the layout presented.

Potential for Contributions to Local Improvements - This remains as advised in previous consultations in terms of the improvements to the footpath and PRoW connections to Glebe Road, the crossing facility on Glebe Road and traffic calming on Brynllwchwr Road. The proposed development continues to promote a higher density of development on this site with no improvement or mitigations measures. This could not be supported given the position is contrary to policy.

Further Information Previously Requested - A Travel Plan was requested to be provided and this has been submitted. The measures within the residential travel plan are of minimum input measures and could be enhanced through considering the advice of the Highway Authority and including the enhancements it considers necessary for the site. In summary, there is no confidence that the Travel Plan could achieve a meaningful reduction in car use and there are no additional or remedial measures proposed, should the plan be found to be failing targets.

A Road Safety Audit was requested, and this was carried out. The review of this has confirmed that the designer has not acknowledged the issues raised or implemented the changes needed. This compounds the concerns held by the Highway Authority and results in a development layout that is considered inadequate and a potential future safety risk for all users.

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Highway Authority Conclusion - The PAC response concluded that any proposals for a development at this location would need to demonstrate a safe and appropriate access design, with an appropriately safe internal layout design, taking into account the issues were raised in detail.

The Highway Authority has been consistent in providing its advice and setting out the concerns with this site. There has been dialogue and exchanges to help inform the layout; the Authority has made all reasonable efforts to work with the developer team to provide a proposal which can be supported. Unfortunately, the applicant has chosen on each occasion to not implement the changes required and disregard the issues raised, where opportunities for resolution do clearly exist and are in the applicant's control.

Given the outcome following the PAC consultation input, and that the TA has been confirmed to not address the concerns raised, the Highway Authority has no other option but to strongly object to the proposals. It recommends a refusal of the application on the grounds of public and highway safety and that application falls short of the expectations of policy on all developments of this nature.

We reserve the opportunity to append appropriate planning conditions, should this be progressed to determination.

Further Comments

Re-consultation update February 2022.

Overview: This application has been the subject of the submission of amended plans following dialogue and meetings which have taken place since the completion of the consultation response outlined above.

The previous consultation response has been considered in terms of this audit to ensure consistency. We note that some adjustments have been made although unfortunately some significant issues still exist and in the main, the above consultation response is still valid.

The TA and masterplan do not commit to or propose any changes or enhancements to the two site vehicular accesses and the footpath and PRoW links to Glebe Road. This is unacceptable and will not be supported as shown within the masterplan. The Highway Authority has been consistent in its guidance and requirements for the two access approaches.

The Road Safety Audit does now contain the Designer's response and on some of the access design issues it is noted that the issues are to be explored and addressed with input from SCC. The Highway Authority can confirm that there has been no progression of the access designs to comply with safety requirements for all users beyond the discussions at a recent meeting. At the time of completing this response the form of the accesses proposed are not considered adequate, safe or acceptable.

The internal assessment of the bends within the layout have been considered in terms of forward visibility for 15 mph. On consideration it was our finding that the required visibility envelopes will be within land that will form part of the corner plot garden frontage and in one case the corner of the building will obstruct visibility.

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The main site access had not been considered in terms of forward visibility and this was a crucial consideration, given the concerns on limited carriageway area for safe and adequate access and egress. The applicant has since adjusted some of the plots and shown the forward visibility splay at the northern access. This is generally noted as positive although the splays are on each of the boundaries and not clear of them. Therefore, any boundary treatment would impact the visibility splay, in the case of the northern access this shows the impact that any driveway overhang could have and any parking on or around the bend.

In terms of the required contributions to enhance the sustainable travel connectivity of the site, we previously issued this advice:

"For informative purposes, we have calculated the likely scale of potential S106 contributions, and this could range between the figures of £90,000 to £115,000. This is subject to detail of the final proposals and is based upon the proposal for a total of 107 dwellings. The contributions will be used for sustainable travel, pedestrian safety and speed reduction measures. This will include a signalised Toucan crossing on Glebe Road for safe access from the site to local facilities and physical traffic calming on Brynllwchwr Road."

The above figures set out the likely overall value of measures that could reasonably be sought for specific enhancements for this development. The applicant team has requested whether the traffic calming measures on Brynllwchwr Road are now an obsolete requirement; this could potentially be the case with the speed reduction to 20 mph that has been introduced. The Toucan Crossing will still be required to be provided. The contribution sought to design and deliver a Toucan Crossing, or at the least a formalised controlled crossing scheme, within the locality of the site is a total of £35,000.

The active travel sustainability of the site is considered to be heavily reliant on the existing footpath connection and PRoW connections to Glebe Road, at the north-east and north-west corners of the site, respectively. These will be required to be enhanced to be inclusive to all user groups, provide attractive and safe travel alternative through all seasons.

The footpath will be required to be enhanced through the removal of the gate infrastructure to allow those with wheelchairs, pushchairs or guide dogs to access the path. Vehicles will be excluded through the introduction of more discrete bollards. The surface will be replaced and widened where possible with street lighting introduced. The contribution sought to deliver these enhancements is £16,000.

The ProW will be required to be surfaced in appropriate material, drainage measures will be implemented using a combination of ditches and drains. This will provide a reasonable all weather route for the majority of users. The contribution sought to deliver these enhancements is £12,500.

The total sum of contributions requested to be formally added to the S106 agreement, to include the footpath, PRoW and Toucan Crossing measures is £63,500. This amount, and the measures set out, could all be delivered comfortably within the overall estimated budgetary range of £90,000 to £115,000 that was previously set out to the applicant. The measures set out comply with the active travel and PRoW enhancements required as part of Policy H1.25 of the LDP, against which this site is allocated.

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To conclude, the Highway Authority is unable to remove its objection and the closing recommendation of the consultation response is considered applicable.

Final Comments

Re-consultation - March 2022

Overview:

This consultation response update has been prepared following the submission of revised plans and detailed dialogue on the issues which remained outstanding at the time of last formal consideration.

The previous consultation response has been considered in terms of this audit to ensure consistency.

The proposed accesses into the site have been further developed in response to the Highway Authority concerns, the changes which have taken place are reported below:

Northern Access:

It was previously requested that the access was demonstrated to be adequate and safe with the likely requirement of measures to prohibit parking introduced along the transition of the existing and proposed highway and around the bend. The forward visibility splays for the northern access has been demonstrated to be appropriate and assessed for a speed of 15 mph. The swept path assessments submitted include a refuse vehicle and an assessments of a box luton home delivery type vehicle passing a private car travelling in the opposite direction. The extent of visibility and the swept paths were considered together with the proposals to include parking restrictions through this access area. The measures to prevent parking may require formal traffic regulation orders and potential physical measures. However, it can be concluded that the applicant has set out reasonable measures at this application stage. Therefore there are no further issues to raise on the proposed access arrangements into the northern parcel.

Southern Access:

The southern access was required to have a comprehensive and safe pedestrian provision. The preferred solution is to see the introduction of a footway to the rear of the existing parking area on Heol Y Wern, providing a continual footway provision on the northern side of the carriageway to serve the development parcel directly. This would be additional improvements required to the southern route, which would include a form of treatment for a continual footway provision across the existing Heol Y Wern turning head. The footway provision on the southern side of the development access should be provided to the road narrowing feature and a crossing facility incorporated into it.

The applicant has submitted a plan which largely addresses the above requirements; the footway to the north has been set into the adopted highway, and the footway on the southern side of the carriageway experiences a limited pinch point to 1.5 metres as a consequence. The Highway Authority investigations appear to confirm that the parking areas are within Council ownership.

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Should this be the case, we would seek to transfer some of the current over provision of parking area to facilitate a footway. The illustrative layout submitted does therefore appear to show the worst case scenario and could potentially be improved following any grant of planning consent.

Internal Bends:

The forward visibility splay analysis of the internal road layout has been adjusted to show the requirement for 15 mph splays. The land required to ensure the splays could be maintained has been safeguarded and included as part of the highway.

The swept path analyses which have been submitted include a Phoenix 2 Duo refuse vehicle travelling through the layout, turning at the designated areas and exiting. The analysis also demonstrates a home delivery box luton type van and a private car travelling in opposite directions throughout. The swept path manoeuvres have been undertaken using appropriate representative simulated speeds.

There are no further issues remaining to be addressed on the subject of internal bends within the layout.

Sustainable Travel Enhancements:

It is understood that the requests for contributions towards sustainable travel enhancements have now been agreed in full. The measures were detailed above in the February 2022 response update and summarised below, these are deemed to be required in order that the site is linked with day to day facilities via active travel routes.

Formalised controlled crossing (such as a Toucan) at Glebe Road, total £35,000;

Enhancements to the existing PRow to drain and surface it for year round use, total £12,500; and

Enhancement to the existing footpath from Heol Pen-Y-Beili to Glebe Road to include lighting, widening, resurfacing and new vehicle exclusion measures, total £16,000.

Transportation and Engineering Conclusion:

In consideration of the amended plans and the commitment shown to resolving the areas of concern which were originally identified, the Highway Authority is now able to remove its objection. There are no further comments to make in regards to Highways, and the recommendation for refusal is now retracted.

We would require that following conditions are attached to any planning permission:

- 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 and the City and County of Swansea Development Management Team under a Section 278 Agreement.

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

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

ii. No dwelling shall be occupied until the access and parking works have been completed and made ready for use, in accordance with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.

Reason: In the interests of highway safety and general amenity

iii. Prior to the development being brought into use, the proposed driveways and parking arrangements shall be completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before any development commences on site.

Reason: In the interests of highway safety and general amenity

iv. Prior to the development being brought into use, the proposed areas required for the provision of visibility splays shall be completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before any development commences on site.

Reason: 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.

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Tree Officer

Initial Comments

In general the site incorporates the existing good quality trees. However Plots 97 and 103 are too close to trees being retained. The garden of Plot 103 is almost covered by tree canopy and Plot 97 requires trees to be lopped to allow construction. A greater separation is required from this tree belt. The landscape details do not include enough tree planting. There are identifiable areas that could accommodate tree planting and ideally more room should be left to allow more integrated planting.

Further Comments

Plots 98 and 92 in particular are too close to retained trees. The AIA has not considered the impact of the SUDS on the retained trees and shows the attenuation feature within the construction exclusion zone. The indicative tree planting shown on the landscape plan will be able to meet the requirements for the tree replacement standard, however detail is required and can be conditioned in the event of approval.

The Agent mentions Plot 103/98 which is barely acceptable but not ideal.

They do not mention Plot 97/92 that they have not changed.

Final Comments

Additional information received re the Tree Protection Plan in relation to Plots 92 - although this aspect of the layout is not ideal, it is not enough to warrant an objection on its own. The TPO covering these trees will enable us as an LPA to keep control of future pruning.

Ecology Officer

Initial Comments

Relevant documents reviewed:

- Preliminary Ecological Appraisal, Hawkeswood Ecology, June 2020;
- Protected Species Surveys, Hawkeswood Ecology, September 2020;
- Bat Activity Surveys, Hawkeswood Ecology, October 2020;
- Green Infrastructure Plan, Tetra Tech, April 2021;
- Landscape Strategy, Tetra Tech, April 2021;
- CEMP, Jehu Group, April 2021; and
- Arboricultural Survey, ArbTS, April 2021.

Bat Surveys: - This application cannot be determined until further bat surveys have been undertaken.

The following trees are proposed for removal or pruning and have been assessed as having moderate or high suitability for supporting roosting bats: T590, T602, T609 (referred to in bat report as T607, but there is no T607 in the arb report) and T616.

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Additionally, the following trees have been assessed as being unsuitable for retention (due to disease etc.) and have been assessed as having moderate or high suitability for supporting roosting bats: T600, T616 and G8. Additionally, the following trees have been assessed as being unsuitable for retention (due to disease etc.), but have not been assessed for bats: G6 and G591

For any of the trees that have been categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) will be required in accordance with best practice, if the trees are to be affected by the development. These surveys must be undertaken PRIOR to determination in order that the potential impact of the proposed development on bats can be assessed.

Protected Sites: - The Loughor Fields Site of Importance for Nature Conservation (SINC) is located immediately adjacent to the application site and the site is close to the Loughor Estuary which is designated as a European protected site. The development must therefore comply with Policy ER6.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:- Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that: i. The need for the development outweighs the need to protect the site for nature conservation purposes; ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

The submitted CEMP does not address the proximity of protected sites.

Condition: - A revised Construction Environmental Management Plan (CEMP) for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of protected sites, watercourses, habitats and species on and adjacent to the site.

Trees: - Please include the following informative: The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal: <https://www.swansea.gov.uk/treespg>

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Bats: - Please include the following informative: All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

Breeding/nesting birds: Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally;

- 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; and
- Take or destroy an egg of any wild bird.

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- o Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- o Disturbance to dependent young of such a bird.

Condition: - No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Badgers: Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

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Condition: - All trenches and excavations must be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Hedgehog: Please include the following informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

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

Reptiles & Amphibians: Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

Condition: - Prior to works commencing on site a reptile mitigation strategy shall be submitted and agreed with the Local Planning Authority. The strategy shall detail the suitability and proposed enhancements of a receptor site (once agreed with the LPA), vegetation management and exclusion fencing at the application site, the methods and timings for translocation of reptiles, and proposals for future monitoring of the translocated population.

Lighting Strategy - Condition: - A sensitive lighting strategy for the site must be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

Landscape and Ecological Management Plan (LEMP) - Condition: - A LEMP for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site.

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In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, hedgehog, reptiles and amphibians. Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species on site, the mitigation measures in place and the procedures to follow should any be discovered.

Invasive Non-native species (INNS) - It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

Condition: - As Japanese knotweed was recorded, an INNS Management Plan will need to be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

Ecological Enhancements: - The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

Condition: - A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5. The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity. Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Further Comments

Bat Surveys: Clarification is required regarding the following trees/groups of trees that are proposed for removal (as per the updated arb report);

T590 ash, does not appear to have been climbed but is proposed for removal. It was assessed as having low/medium roost suitability in the PRA. Assume this should be low suitability and therefore no further surveys required.

G8 elm/ash/oak, does not appear to have been climbed but is proposed for removal. It was assessed as having low/medium roost suitability in the PRA. Assume this should be low suitability and therefore no further surveys required.

T600 ash, does not appear to have been climbed. It was assessed as having high roost suitability in the PRA.

G9 elm, does not appear to have been climbed. It was assessed as having medium roost suitability in the PRA.

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T602 oak, may have been climbed but it is not clear. It was assessed as having medium roost suitability in the PRA.

T616 willow, may have been climbed but it is not clear. It was assessed as having low/medium roost suitability in the PRA.

T607/609 willow, has been assessed as having moderate suitability from the tree climbing survey. Further surveys are required PRIOR to determination.

T609 sycamore, may have been climbed but it is not clear.

T614 oak, may have been climbed but it is not clear.

T616 oak, may have been climbed but it is not clear.

G5 sycamore, may have been climbed but it is not clear.

T601 ash, does not appear to have been assessed for bats at all.

G13 elm, does not appear to have been assessed for bats at all.

G591 ash/oak, does not appear to have been assessed for bats at all.

H3 does not appear to have been assessed for bats at all.

The re-submitted CEMP has addressed the proximity of protected sites. However, it states that no INNS were found on site. The PEA states that Japanese Knotweed was found on site and therefore an INNS management plan will still be required.

Final Comments

Additional documents reviewed:

- Revised Protected species Report (Bats), Hawkeswood Ecology, January 2022;
- Green Infrastructure Plan, Tetra Tech, January 2022;
- Landscape Strategy, Tetra Tech, January 2022;
- CEMP, Jehu Group, January 2022; and
- Arboricultural Survey, ArbTS, January 2022.

The re-submitted CEMP has addressed the proximity of protected sites. However, it states that no INNS were found on site. The PEA states that Japanese Knotweed was found on site and therefore an INNS management plan will still be required.

The Surveyor has confirmed that they completed a full survey of the site for bats and assessed all trees proposed for removal. This is acceptable.

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Landscape Officer

Initial Comments

I am mindful of the comments of the Tree Officer and Place Making team in making these comments:

I am particularly mindful of differences in information (namely tree planting) indicated on different drawings and with indicative Planting lists without detailed plans. I note that where larger plants are described in frontages to homes they are sometimes described as Specimen shrubs. We have similar conversations with developers where what appear to be the graphic of and sufficient space for small trees they are not planted as such because of the constraints of insurance underwriters or NHBC 'standards'. As these are not shown on detailed planting plans I cannot predict what landscape character is intended.

My concern is what kind of setting is proposed for people's homes and how practical any planting is in enhancing the settings and how appropriate and conflict free they become, so that the planting has a chance to flourish and contribute to a diverse and attractive community. The above illustrates how a graphic of a planting layout and lists of shrubs are inadequate and I would require detailed plans in order to discharge a condition.

The general layout and SuDS plans show details of tree planting in gardens or adjacent to SuDS areas that do not appear in the 'landscape strategy plans'. SuDS areas should show edges of top and bottom of embankments, ideally with some indication of depths e.g. -500mm cf. adjacent ground level.

Shrub Planting: In order to do so the plans should show the extent and numbers of plants per species in an individual block and preferably by a closed polyline the extent of the planting and distance away from hard surfaces, structures and different uses e.g. car parking. This will allow me to comment on the suitability of the location of species relative to each other, structures and access. The plans should also show openings in buildings and therefore how the buildings / windows etc are to be accessed for maintenance from the outside. If they are to be rendered - see below this may be particularly relevant.

I note in the general layout that a large number of the proposed dwellings look out onto existing trees and hedgerows. However I am mindful of both individual property rain gardens and SuDS areas and how they all contribute in part in creating a sense of Place. I abstracted the following from the Construction Environmental Management Plan Beili Glas; I don't know how accurate the rendering is or whether it reflects how many ash trees there are within the development that to succumb to Ash Die back etc. Note that all / if any Ash trees are to be retained they should be identified as such on the planting plans. Note also that the boles and existing canopies of all retained trees should be shown. In the layout abstracts above I am concerned about the proximity of 'House' Type 212 (Apartments) x 2 to the existing trees. Clarity should be sought regarding any pruning requirements to allow construction of the buildings and/or whether there is likely to be a conflict between the buildings and the trees in the future?

I am also mindful that the layout generally precludes the opportunities for tree planting within streets due to SuDS or proximity to structures due to small garden frontages.

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I note both in the Landscape Strategy and Arb Report the locations of trees to be removed. As a consequence there is a requirement for tree planting in mitigation of losses and in the creation of Place and enhancing amenity within gardens that will contribute long term to the amenity and ecosystem services resilience of the settings of these homes. All existing and proposed trees that are subsequently visible from the public realm need to be protected long term by TPO. Due to the limited opportunities for tree planting within gardens, as shown in the site layout abstracts above, they should be located to be visible through drives and from neighbouring gardens and specified to add significantly to amenity, green infrastructure and generally to wildlife connectivity and add to the sense of Place.

Tree Planting - The Indicative planting list in itself is not likely to be an issue, however as per my comments regarding shrub planting, the detail planting plan would likely be different and should not be constrained by this list. We need to take the opportunity to create as much diversity and resilience in tree planting as possible, as the setting for people's homes, for seasonal flowering, colouring and textural variations, resilience, biodiversity and even climate change. I cannot predict the tree species that would likely be used on the plans with the information provided.

Shrub planting - I can't comment on the suitability of those shrubs in the indicative specified shrub, climbers and grasses list provided without detailed plans showing their proposed location and juxtaposition of different shrub species to each other, structures and uses, as well as the more predictable suitability regarding aspect, shade, slopes, predictable site conditions etc. I am also mindful of not using repetitive planting mixtures of limited palettes in order to provide an attractive and interesting setting for homes. I am mindful that many of the species on the list will be too large for what appear to be the spaces available to allow those shrubs to grow to their natural form and size (if specified correctly this minimises maintenance, conflict and may result in acceptance). Basically I wouldn't want to constrain the design by 'accepting' this list where more appropriate species may be chosen in the detail design. I note however the inclusion of *Rosa rugosa* Fru' Dagmar Hastrup whose species is included in Entries in Sch. 9 Pt. II added (E.W.) (6.4.2010) by The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010 (S.I. 2010/609), art. 2(4) and should not be caused to grow in the wild. As there are numerous varieties of similar / suitable species its omission from a final design should not be onerous.

Final plans should also indicate those removed trees / canopies as dotted lines so that the public can see both the losses and mitigation on a single plan.

I note the link between traditional pavement and the woodland walkway - this should be made clearer.

Landscape plans should show surface finishes e.g. gravel paths / paving slab access around buildings, differences in fencing materials, wall heights and general means of enclosure for consideration of the suitability of planting next to structures and materials that may have been agreed elsewhere as well as the boles and canopies of existing trees that are to remain, (as well as an outline of those trees that are required to be removed).

The landscape plan should also show the locations of Public Lighting Columns as they are both instrumental in the functions around homes and limit where trees may be planted, as well as being a major element in the character of Place. I can actually see 1 PL Column (but no new trees) in the illustration above.

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I am also mindful of the opportunity to use both native tree species in mitigation and other tree species in possible climate change mitigation and also the opportunities to plant long lived and large growing tree species where space permits.

I note also that there are opportunities for the use of primarily native species within attenuation areas and the need for detailed planting plans for these to be both attractive in placemaking terms as well as succeeding as being the right plants in the right place. This is not an in depth analysis of wetland planting as there are few species included in the indicative list, while I am mindful of the ecological report supplied I have not seen a response from our own ecologists.

While not being party to the discussions I note that the SWS appear to meander relative to the SuDS verges, away from the road adjacent to SuDS and within the roadway when there aren't adjacent SuDS features. If the SWS were consistently within the roadway there would be more opportunities to plant trees in these verges with suitable separation between tree roots and SuDS features (to prevent future conflict as and when SuDS features need to be mechanically desilted etc.)

Final Comments

In order to consider the impact on Placemaking we will need to condition a Landscape Planting Plan where we can evaluate the impact and appropriateness of the species, that the species compositions / mixtures are not too repetitive and contribute to the creation of a sense of Place and notably as the setting of people's homes. I am mindful that shrub and or herbaceous planting should be attractive throughout the year and this includes SuDS areas. We would expect tree species to be diverse and varied for resilience, seasonal variation, general ecosystem, landscape and placemaking functions. Landscape plans should 'show' the different paving materials and public lighting column locations when used and the details should be consistent in hard landscape and planting plans.

I don't intend repeating earlier comments but suffice to say that the final 'landscape' plans should show all paving and adequate detail to show the size of plants, their grouping / density, their relationship to adjacent species and distance of planting from structures/paving where appropriate.

Note also that in conditioning an approval we should not be limiting the species selection of trees and shrubs previously described and should be favouring long lived tree species and, where applicable, that they be as large growing as practicable for ecosystem benefits and generally to fit in to the adjacent landscape character. I am also mindful that fruit trees generally do not last a long time in association with homes and gardens (nor would we be able to control their management for amenity value) and as we will want to protect those trees planted in mitigation of trees lost due to the development and in placemaking, the consideration of fruit tree planting should generally be over and above those functions (the use of native fruit bearing trees is to be encouraged in hedge planting in the vernacular character).

Amenity tree species (native and non-native) can provide adequate pollen (for pollinators) and benefit Biodiversity by elongating the flowering and fruiting seasons. Street tree selection is a whole chapter of opportunities and constraints and should embrace resilience, seasonal variation, scale and placemaking.

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I note also that we will look closely in the final landscape plan at the impact of grading (stripping or filling) in the vicinity of existing trees, within and adjacent to the site. Note also that the landscape plan should show the canopy and ideally the boles of adjacent trees whose roots will likely be impacted by grading and or construction of means of enclosure. I would expect the drawings to annotate how foundations and any excavation in the vicinity of trees would be done by hand and that the boundary construction detail(s) would allow for the reduction of panel widths (or bridging foundations) to avoid damage to major tree roots (trees within and from trees adjacent to the site).

I haven't as yet counted trees to be planted versus those to be removed and mitigated, but this will be a consideration in the final tally, even if there is a need for additional off site planting.

Parks Officer

Initial Comments

Having looked at the attached documents of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration by the Parks Service which are as follows:

- Public Open Space - An area of open space is indicated within the site which is welcome, but if Parks are required to adopt any open space a commuted sum will be required from the developer for any future maintenance.
- The future responsibility of the existing trees that are to be retained on the development.
- Outdoor Play - There is mention of a LAP and an area of Natural Play but we feel this is not sufficient for a residential development of this size, however if it is deemed that this is sufficient then so be it.

Final Comments

A contribution of £30,000 towards the upgrading of the MUGA in Parc Williams - new fencing, goal ends, re-surfacing and court over marking.

The Parks Service have no further comments to make on the attached planning request

Drainage Officer

Schedule 3, Flood and Water Management Act 2010.

Your 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.

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

Which legislation are we referring to?

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

What exactly is a SAB?

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

The SAB is established to:

- 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/sustainabledrainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Housing Enabling Officer

Initial Comments

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

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The most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County with the highest need being for social rented tenure.

In this case the application is in the Greater North West Strategic Housing Policy Zone where the target is for a minimum of 15% of the total number of dwellings provided on site to be affordable homes. This site proposes 40% on-site Affordable housing, for the purposes of the Section 106 the site should be conditioned to 15% on-site affordable housing. Housing is supporting the development of this site through the Programme Development Plan for Welsh Government Funding with Pobl Housing Association. The affordable housing must be built to WDQR standards, the highest need being for social rented tenure. I agree with the proposed affordable housing unit sizes and the siting of the units.

Final Comments

I can confirm I am happy with the revised layout including the affordable housing type, tenure and mix.

Education Officer

Initial Comments

Position of capacity:

Primary: English-medium: the EM primary school (Tre Uchaf) currently has 38 unfilled places (18.45%). Welsh-medium: the WM primary school (YGG Pontybrenin) currently has a deficit of 4 pupil places (-0.80%).

Secondary: English-medium: the EM secondary school (Penyrheol) currently has a surplus capacity of 104 places (10.67%). Welsh-medium: the WM secondary school (Gwyr) currently has a deficit of 33 places (-3.09%).

Requested Contribution:

Primary: There is a request for FULL developer's contribution (£332,200) plus indexation towards education in respect of the English medium primary school (Tre Uchaf). Whilst there is currently some capacity at the school, this will be depleted by this development and leave the school with insufficient flexibility. There is also a request for the FULL developer's contribution (£60,400) plus indexation towards education in respect of the Welsh medium primary school (YGG Pontybrenin) as there is currently a deficit in capacity at the school.

Secondary: There is a request for the FULL developer's contribution of £69,216 for Welsh medium secondary education and a further £24,768 towards Welsh medium post 16 education both at YG Gwyr as there is currently a deficit in capacity at the school. There is no request for a developer's contribution for the English medium secondary education at Penyrheol Comprehensive as there is sufficient surplus capacity in the school to accommodate the pupil numbers generated by this development.

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Final Comments

Position of capacity:

Primary: English-medium: the EM primary school (Tre Uchaf) currently has 25 unfilled places (12.20%). 7.1.2. Welsh-medium: the WM primary school (YGG Pontybrenin) currently has a deficit of 4 pupil places (-0.80%).

Secondary: English-medium: the EM secondary school (Penyrheol) currently has a surplus capacity of 102 places (10.46%). Welsh-medium: the WM secondary school (Gwyr) currently has a surplus capacity of 158 places (12.41%).

Primary: There is a request for FULL developer's contribution (£302,000) plus indexation towards education in respect of the English medium primary school (Tre Uchaf). Whilst there is currently some capacity at the school, this will be depleted by this development and leave the school with insufficient flexibility. There is also a request for the FULL developer's contribution (£60,400) plus indexation towards education in respect of the Welsh medium primary school (YGG Pontybrenin) as there is currently a deficit in capacity at the school.

Secondary: There is no request for developer's contribution for Welsh medium secondary education at YG Gwyr as there is currently sufficient capacity in the school to accommodate this development. Whilst the school is predicted to have a shortfall of 159 places by September 2027, this prediction does not take into account the additional capacity that is currently being added to the school as part of the 21st Century Schools project.

There is no request for a developer's contribution for the English medium secondary education at Penyrheol Comprehensive as there is sufficient surplus capacity in the school to accommodate the pupil numbers generated by this development.

Pollution Control Officer

We have no objections to this application.

We would like the following informatives and condition attached:

Informatives

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 unless otherwise agreed through the Local Planning Authority. It is recommended that regular monitoring is carried out for noise to ensure compliance in line with BS5228-1:2009+A1:2014.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

2. Smoke/ Burning of materials - No burning of any materials 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. Dust monitoring and suitable screening should be installed along site boundaries to minimise potential for dust nuisance. 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 local residences from on-site lighting.

5. Vibration - It is recommended that regular monitoring is carried out for vibration to ensure compliance in line with BS5228-2:2009+A1:2014. It is further recommended the nearest dwellings are inspected for damage prior to any high vibration works in case of any claims against the developer.

Condition: 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.

Rights of Way Officer

Initial Comments

Please note the location of Llwchwr 39 (LC39). We would ask that this path be looked at for improvement using Section 106 monies.

Final Comments

Further to our previous comments on the application, we have now had a price from a local contractor to carry out improvement works along the whole length of the public right of way. This will be secured via the S106.

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Designing Out Crime Officer

Initial Comments

Having reviewed the drawings in respect of the above planning application, I would make the following observations with a view to the development achieving the Secured by Design (SBD) Gold Award which is a requirement for social housing developments that are grant funded by Welsh Government:

(i) Site layout. I am generally pleased with the site layout. All vehicle parking bays must be within curtilage and/or overlooked. The only concern I have is the proposed footpath link adjacent to Plots 54-59. This path will provide access to the rear of homes on the adjacent development and consideration must be given to removing it from the design.

(ii) Lighting. Lighting on the estate must meet the British Standard 5489:2013.

(iii) Boundary identification. Defensible space using symbolic barriers e.g. pillars, rumble strip, or a change of road surface, i.e. colour or texture, must be built into the design to encourage a feeling of territoriality amongst users especially at the entrance to the development. There must be a change of surface, i.e. colour or texture to identify public areas from private or semi-private areas e.g. the footpaths from the driveways/front gardens. Preferably front boundaries would be identified by low walls and gates.

(iv) Landscaping and planting. Poor landscape design proposals can compromise the safety and security of people and properties. Hiding places can be created and visibility significantly reduced if trees and shrubs are poorly positioned, and species inappropriately chosen and maintained. This may increase the opportunity for crime and increase a person's sense of vulnerability, which ultimately will affect the level of use. Overgrown shrubs and other thick barriers that are in close proximity to public areas must be avoided and clear sightlines must be maintained over long distances. Windows and doors must not be obscured by landscaping features and trees in public areas must not have any foliage below 2 metres from the ground. Trees and other landscaping features must not be positioned where they could create hiding/entrapment spaces, obscure signage and lighting or provide a potential climbing aid into properties. There must be clear lines of sight across the development and clear unobstructed views of the parking bays from the properties.

(v) Side and rear boundaries. The walls/fencing and gates preventing access to the rear and sides of the properties must be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath). To prevent climbing the perimeter security must be of a suitable design. Gates must be lockable both sides with a key, the same height as the adjacent wall/fencing and sited at, or as near to, the front building line of the properties as possible. Rear and side gardens must be secure areas.

(vi) Vehicle parking. Vehicle parking should be within curtilages and must be overlooked preferably by rooms in the properties ideally, that are usually occupied e.g. living rooms, kitchens. This is especially important where there is side or rear parking. During the hours of darkness, the bays must be well illuminated, and they must enjoy good natural surveillance from the properties with unobstructed views. All parking bays must be overlooked.

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(vii) Play area. These areas must 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 of these areas being targeted for anti-social behaviour when not in use. These areas must be overlooked by the homes and apartments. 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.

(viii) Garden sheds. Garden sheds should be sited away from the rear fencing or walls to prevent assisting people in climbing over them.

(ix). Bin stores. Bins must be kept in secure areas.

(x) Bicycle stores. Bike stores must be secure, lit and overlooked by the properties (please visit www.securedbydesign.com for more information).

(xi) Security lighting. Security lighting must be installed and controlled preferably by photo electric cells or time switches or alternatively PIR detectors. The lighting must protect the rears and sides of the homes, the parking bays and the driveways. Callers at the external doors of the properties must be lit during the hours of darkness by appropriate lighting.

(xii) Drain pipes. If the drainpipes of the properties are not within the fabric of the buildings they must be designed so that they do not offer an assist to climbing.

(xiii) Public utilities. If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.

(xiv) Blank walls. Windowless elevations or blank walls adjacent to space to which the public have access, should be avoided and provide at least one window to a habitable room wherever possible. Where blank flanking walls are unavoidable, a 1 metre 'buffer zone' must be created.

(xv) Door security. All external doors in the properties, and the individual apartment external doors must meet the standard PAS 24 2016 or equivalent and be third party tested and certificated. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance. Fire doors must have no external furniture fitted. Glass in door panels or adjacent to door panels must be laminated and doors in recesses of more than 600mm must be avoided.

(xvi) Window security. All vulnerable windows fitted, e.g. ground floor windows, windows above flat roofs, must meet the SBD standard i.e. PAS 24 2016 or equivalent and be third party tested and certificated. They should also have key operated window locks fitted.

(xvii) Intruder alarm system. A 13 amp fused spur should be installed in each individual property. Ideally all properties would have an intruder alarm fitted up to the relevant British Standard.

(xviii) Access control. Access into the apartment blocks must be controlled by access control with audio and visual verification fitted, if there are 4 or more apartments using one communal entrance.

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(xix) Identification of properties. Property numbers and street names must be clearly displayed.

Further more detailed information can be found by visiting the Secured by Design website www.securedbydesign.com.

Final Comments

In respect of the above, the only additional comments I would make in addition to those made in my report dated the 20th October 2021 are as follows:-

The proposed informal footpath to the side of Plot 12 should not form part of the design as it gives access to the rear of properties and would not be overlooked. The footpath proposed to run to the rear of Plots 37- 42 should not form part of the layout. I have serious concerns about this proposed footpath as it would not be overlooked and would provide easy access to the rear of properties making these properties susceptible to crime. This area should be secured to prevent persons entering or the gardens of adjacent homes extended to incorporate this area of land.

I did not notice this proposed footpath link as it was not clear on the drawings which I reviewed to compile my report to you dated the 20th October 2021 and apologise for this omission.

The parking for the apartments i.e. Plots 49-54 must be overlooked. Regarding the footpath adjacent to Plots 49-54 and leading to the natural play area, as this footpath is overlooked by the apartments I am happy for this to remain.

Additional comment: regarding comment above - footpath close to Plots 37-42 - misunderstanding in plans - this is acceptable (there is no footpath adjacent to plots 37-42).

APPRAISAL

Full planning permission is sought for a residential development of 98 dwelling comprising 37 affordable dwellings and 61 private dwellings with associated access, landscaping, drainage and other works.

The application is being reported to the Committee for determination as it relates to a development of 98 dwellings (and hence cannot be determined using Officers' delegated powers).

The application site is located to the south of Glebe Road and to the west of the newly constructed development known as Chapel Fields, off Glebe Road.

The application site is an LDP allocated housing site - H1.25 - Beili Glas, Glebe Road.

The site measures approximately 3.27ha and is an agricultural field currently used as grazing for horses. The site is roughly triangular in shape and is bound to the north by mature hedgerows, the rear gardens of houses in Glebe Road and Beili Glas Farm house. To the east the site is bound by mature hedgerow (including 2 TPO trees) and a public right of way (no.LC39).

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To the west the site is bound by mature hedgerows and the rear gardens of dwellings in Heol Pen Y Beili, Beili Glas, Clos Rhandir, and Heol Y Wern. The southern part of the site is bound by the public right of way and fields.

The site slopes downward from north to south and includes a group of trees centrally located within the site which are protected by a Group TPO (TPO449).

Access to the site is via the existing roads of Heol Pen Y Beili to the north-west and Heol Y Wern to the south-west. The northern access from Heol Pen Y Beili will serve 72 dwellings and the southern access from Heol Y Wern will serve 26 dwellings. Due to the retention of the existing Group TPO which runs across the site, there is no vehicular connection between the north and southern sections of the site.

The development proposes 98 new dwellings, comprising the following;

Affordable housing - 37 dwellings (38%) comprising 18 x 1 bed apartments, 6 x 2 bed houses, 10 x 3 bed houses and 3 x 4 bed houses

Open market housing - 61 dwellings (62%) comprising 20 x 2 bed houses, 36 x 3 bed houses and 5 x 4 bed houses.

The proposal includes a SUDs attenuation basin and pumping station at the southern end of the site.

The proposal includes a natural play area (LEAP) in the east of the site and a play trail in green corridors within the site. The natural play area LEAP will contain 6 play features and a 400m² activity area. The play trail features (LAPs) are proposed in 4 locations within a number of green corridor and green edge locations.

The majority of the existing hedgerows and trees around the perimeter of the site are to be retained and new tree and shrub planting is proposed within the site.

Main Issues

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

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

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Policy Context

National Planning Policy

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

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

The following national policies contained in Future Wales are of relevance to the determination of this planning application;

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

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

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

Policy 7 - Delivering Affordable Homes

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

Policy 9 - Resilient ecological networks and Green infrastructure

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

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

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

Policy 12 - Regional Connectivity

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

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

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

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

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

Policy 13 - Supporting Digital Communications

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

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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

Local Planning Policy

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

Relevant Supplementary Planning Guidance (SPG)

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

- Placemaking Guidance for Residential Development (Adopted October 2021)
- Trees Hedgerows and Woodlands (Adopted October 2021)
- Development and Biodiversity (February 2021)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)

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

Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course these 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 these SPGs given: they are fundamentally aligned to (and referenced as supporting documents within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately these SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policies aims and objectives should be interpreted.

Planning Considerations

Principle of Development

The site is allocated within the Swansea Local Development Plan (2010-2025) for residential development under Policy H1 - Non Strategic Housing Sites (no. 25).

The LDP Policy H1 (25) indicates that the site allocation is for 60 dwellings, which is a fairly low density having regard to the overall size of the site, but reflects the limited information available at the time relating to the potential various constraints affecting the site, which have potential to limit the developable area, such as the Group TPO, existing hedgerows, the topography of the site and space needed for green infrastructure (GI) and areas of open space recreation.

It is to be noted that the stated site capacities within the LDP are not to be regarded as an absolute cap for dwelling numbers, that should restrict the number of dwelling that would be granted planning permission. Higher densities can be justified if it can be demonstrated that the proposal complies with the placemaking principles set out in Policy PS2 of the LDP.

In this case, it is considered that the development of the site for 98 dwellings is acceptable, and is discussed further the Placemaking section of this report below.

It is therefore considered that, given the allocated nature of the site, the principle of the development for residential purposes is acceptable and complies with Policy H1 of the Swansea Local Development Plan 2010—2025.

Placemaking / Visual Amenity

The proposal has been the subject of significant negotiations via a 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.

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The proposal features 98 residential units, comprising 18 x 1 bed apartments, 26 x 2 bed houses, 46 x 3 bed houses and 8 x 4 bed houses, all of which are two storeys in height, with access, landscaping, drainage and associated works. All of the dwellings will include solar panels on the roofs.

The proposed development will be accessed from Heol Pen Y Beili from the north. This access will serve 72 of the new residential units. The proposed development will be served from Heol Y Wern from the south, which will serve 26 of the new residential units.

The site layout will have two distinct sections, as mentioned above, due to the retention of the existing protected trees that are located in the centre of the site.

The northern section (containing 72 dwellings) would have a 'U' shaped layout with a number of shared drives serving the dwellings.

The southern section (containing 26 dwellings) will form a cul de sac.

An attenuation pond and drainage pumping station is also included adjacent to the southern boundary.

The proposal provides a density of circa 35 dwellings per hectare (dph) which is appropriate to the context of the site.

The layout includes a number of multi-functional Green Infrastructure (GI) features such as dry swales, attenuation pond, rain gardens, native shrub and tree planting and filter drains within the site. The site layout retains the existing landscape and biodiversity features, most notably the existing periphery hedgerow/trees to the south/east which form a defensible boundary to this perimeter, and the two East-West green corridors, which appear to be positively integrated into the layout. The retention of these important GI features is welcomed in terms of green infrastructure and biodiversity.

A Local Equipped Area of Play (LEAP) in the form of 'natural play' with 6 play features and 400m² activity area is included in the north-eastern side of the site, and 4 play trails (LAPS) are included within the green corridors and green edge locations. Within the LEAP, the play equipment would consist of a slide, timber jumping blocks, a climbing labyrinth, play boulders, a wobbly beam, a web rope climber and a bench. This is considered to be sufficient to cater for younger children. It has been located close to the eastern boundary of the site to allow it to also provide connectivity to the newly constructed Barratts housing site to the east. With regard to older children, a contribution of £35,000 has been agreed to upgrade the existing Multi-Use-Games-Area (MUGA) in Parc William in Loughor.

The house types proposed will include detached, semi-detached and a small terraces of 3 houses, a block of six one bedroom apartments and a number of 'walk-up' one bedroom flats in two storey buildings. It is noted that none of the dwellings have garages.

The external materials will consist of red brick (Rossendales smooth red) and white render (Parex white through render) for the elevations and a mix of slate grey (Marley Modern grey) and red (Marley old English dark red) roof tiles. The buildings have a traditional design with pitched roofs and a number of gable fronts.

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

All of the dwellings are shown to be a mix of semi-detached, detached houses and terraced houses with front and rear gardens, with each having 2/3 car parking spaces. The apartments would have dedicated parking spaces, cycle parking, along with communal gardens and detached bin stores. Each of the affordable houses would also have a detached garden shed.

The materials for the 37 affordable homes will be the same as the open market houses ensuring that they are indistinguishable.

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

The proposed pumping station will be bound by fencing and screen planting and a condition has been added requiring the full details to be submitted.

With regard to the Designing Out Crime Officer's response, the footpath in the space between Plots 12 and 13 is within a public open space area with retained trees. This footpath is an important part of the on-site multi-functional green infrastructure providing a link between communities and facilitating active travel. This path and the entire space must feel safe and welcoming which can be achieved by ensuring the houses to either side provide sufficient natural surveillance from habitable room windows. It noted that the side elevation of Plots 12 and 13 do not have side windows. Therefore a condition will be used to ensure that side windows are included within these elevations. It is not considered appropriate to address the Designing Out Crime Officer's concerns by omitting the path because this will be detrimental to community cohesion and active travel.

It is considered that the design, layout and orientation of the proposed buildings, and the spaces between them, would provide for an attractive, legible, healthy, accessible and safe environment.

It is however noted that the Council's Placemaking and Strategic Planning Advisor is not content with the scheme of street level GI - additional GI measures are required. This matter will consequently be addressed by means of a planning condition.

The proposal is therefore generally 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, subject to a revised scheme of GI being provided.

Residential Amenity

The majority of the existing nearby residential houses are located adjacent to the western boundary of the site, located within Beili Glas, Heol Pen Y Beili, Clos Rhandir and Heol Y Wern.

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Adjacent to the northern boundary there are existing dwellings fronting onto Glebe Road. Beili Glas Farm House abuts the eastern and northern boundary of the application site. To the west, the site is bound by the existing right of way and beyond are new dwellings within the newly constructed Ffordd Moriah dwellings (Barratts development), a number of which are now occupied.

The existing houses within Heol Pen y Beili have their side elevations facing the western boundary of the application site at a distance of 12m. As such it is considered that no overlooking, overshadowing or overbearing impacts would occur on these neighbouring dwellings. It is noted however that these dwellings are within an existing cul-de-sac which will be extended to form the main entrance to the northern part of the application site, and as such, they will experience more noise and disturbance from the traffic entering and leaving the site due to the nature of the new development.

With regard to the existing dwellings in Beili Glas, these dwellings have rear gardens ranging from 11-18m in length. The proposed plots located closest to these rear gardens are Plots 13-21. All of the separation distances between the new dwellings and the existing dwellings meet the required lengths set out in the SPG - Placemaking Guidance for Residential Development (2021) and as such it is considered that no overlooking, over shadowing or overbearing impacts would occur on the Beili Glas properties, given that sufficient separation distances will be achieved.

With regard to the existing dwellings in Clos Rhandir, a number of the existing dwellings have short rear gardens, close to the boundary with the application site. It is also noted that they are sited at a slightly lower level than the application site. As such, Plots 87 - 90 and 91, have gardens in excess of 10m (ranging between 14 and 16m) to ensure that the separation distances between dwellings are met.

However, it should be noted that the property to the rear of Plot 91 (10 Clos Rhandir) only has a garden that is some 7.5m deep - a separation distance of 10m is normally required between the rear elevation of an existing dwelling and the common boundary serving the rear garden of a new dwelling. Consequently, the rear garden of Plot 91 will be overlooked to a higher degree than would normally be accepted. However, it is difficult to avoid this situation arising, given that this problem (the inadequate depth of No 10's rear garden) cannot easily be rectified. It should also be noted that the two properties to the rear of the communal garden area serving the flats at Plots 87-90 (11 and 12 Clos Rhandir) also have short rear gardens (approximately 7m and 4.5m deep respectively). Consequently, a higher level of overlooking than that normally permitted would also occur onto the communal garden from the rear elevations of Nos 11 and 12. Again, this is an existing constraint that cannot easily be addressed.

Plots 73 and 86 would have their side elevation facing the rear elevations of the dwellings in the lower section of Clos Rhandir and separation distances of 17m are achieved. As such it is considered that no overlooking, overshadowing or overbearing impacts would occur towards the residents in Clos Rhandir given that sufficient separation distances will be achieved.

It is noted that additional tree planting along the western boundary is also proposed which will enhance the existing vegetation along the boundary and further mitigate against the impacts of the new development.

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With regards to the existing dwellings on Glebe Road, these are located to the north of the application site, and have rear gardens of 22-30m in length. Proposed Plots 63-69 would back on to the rear of those gardens and each of the new plots has a garden length of a minimum of 15m which is considered to be an acceptable length to prevent any overlooking, overbearing and overshadowing impacts upon those existing dwellings. These distances comply with the minimum separation distances as set out in the SPG - Placemaking Guidance for Residential Development (2021). It is also noted that the existing dense hedgerow is to be retained along this boundary.

With regard to Beili Glas Farm House which lies to the east / north of the application site, Plot 63 would have its side elevation facing the end gabled elevation of the farm house, at a distance of 8m, with the intervening hedgerow and trees retained. There is one ground floor window which faces towards Plot 63, which is a secondary window - another window serving the same room is in the north elevation of the Farm House. It is considered that whilst there will be an overshadowing impact of this ground floor window, as a secondary window, it is considered not to represent an unacceptable impact that would warrant a refusal of permission in this instance.

With regard to the potential overlooking of the garden area of Beili Glas Farm House, Plots 61-62 would have a rear garden measuring 11m which is in excess of the minimum separation distance required. It is also noted that the existing boundary vegetation will be retained. No details of the boundary treatment along the mutual boundary with Beili Glas Farm House has been submitted, and as such a condition will be used to address this.

With regard to the plots within Ffordd Moriah, the existing public right of way separates the application site from those dwellings, and there is in excess of 22m from the side elevation of Plot 48, and 28m from the side of Plot 39 to the rear elevation of the new houses in Ffordd Moriah. The existing mature trees and hedgerows would be retained along the eastern boundary of the site.

A naturalistic play area containing a LEAP is shown to be located towards the north-eastern corner of the application site, which is approximately 13m from the side boundary of the nearest house in Ffordd Moriah. Whilst it is accepted that users of the LEAP could generate noise and disturbance, it is considered that the levels of noise and disturbance caused to the residents of the Ffordd Moriah properties would not be so great as to warrant the refusal of the application on such grounds.

The layout of the proposed development ensures that the majority of the dwellings have adequate separation distances for back-to-back relationships which meet the minimum separation distances set out in the Council's Placemaking Guidance for Residential Development (2021). There is a minor shortfall in the separation distances between some of the proposed dwellings - Plots 4/70, Plots 5/71, Plots 6/72, Plots 74/84 and Plots 73/85 - due to the levels changes on the site. Additional tree planting is proposed to mitigate this shortfall.

All of the plots would have a standard 10m separation where first floor window overlook neighbouring private amenity space. All the house plots would have an acceptably sized private rear garden. As such, it is considered that the layout is acceptable in this regard.

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In summary, in terms of the residential amenities of the existing and future occupiers, the application is considered to be acceptable and accords with the provisions of LDP Policy PS2 and the Placemaking Guidance for Residential Development (2021).

Access, Transportation and Highway Safety

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report.

A Transport Assessment was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows.

The layout of the new development shows that the internal roads have two footways (for most of their length) together with a 5.5m carriageway which would allow for two way flows and safe pedestrian passage. A swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter / turn and leave the site in a forward gear.

The applicant has confirmed that the internal roadways will be offered for adoption by the Council.

Parking provision within the site also complies with the Council's Parking Standards.

A S106 contribution is sought totalling £63,500 towards local improvements comprising;

- £16,000 towards local improvements of the Heol Pen Y Beili - Glebe Road footpath to include lighting, widening, resurfacing and new vehicle exclusion measures.
- £35,000 towards a TUCAN Crossing on Brynllwchr Road.
- £12,500 for improvements to the PROW LC39 to the east of the site comprising draining the route via ditches or pipes and sympathetic route resurfacing.

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

With regard to the suggested conditions requested by the Head of Transportation and Engineering, conditions i, iv and v (Section 278 agreement, visibility splays and Construction Method Statement) are not considered to be necessary as they are covered by other legislation and conditions, and as such do not meet the tests as set out in WG Circular 16/2014 - Planning Conditions.

As such, no highway objections are raised, subject to the imposition of appropriate conditions. The proposal is therefore considered to be in accordance with Policies T1, T2, T5 and T6 of the LDP and the Parking Standards SPG.

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Trees

The Tree Officer has raised no objection to the application as detailed in the Tree Officer comments set out earlier in this report. As previously noted, there are a number of trees within the central area of the site which are protected under a Group TPO.

A number of non-protected trees will be removed to facilitate the development and the submitted Arboricultural Impact Assessment has identified the impacts of the proposed development on the retained trees, and is considered to be acceptable.

A substantial number of new trees will be planted within the site and along the existing boundaries. The Tree Officer has confirmed that the new planting is acceptable and accords with the Swansea Tree Replacement Standard as per the Trees, Hedgerows and Woodlands SPG (2021).

It is intended that the new trees planted within this development will be protected by a tree preservation order to ensure that they are protected and hence retained on the site.

The proposal is therefore considered to comply with LDP Policy ER11 and the Trees Hedgerows and Woodlands SPG.

Landscape

The Council's Landscape Officer initially raised a number of concerns regarding the proposed landscaping of the site (as per the comments in the Landscape Officer observation section of this report). Amended plans were received which overcame the concerns raised and as such the scheme is now considered to be generally acceptable, subject to a condition requiring the submission of a detailed landscape planting plan and tree protection plan. As mentioned above, it is intended that the new trees planted within this development will be protected by a tree preservation order to ensure that they are retained on the site.

Ecology

The Council's Ecology Officer and NRW have not raised any objection to this application, subject to a number of conditions and informatives as per the Ecology Officer's and NRW's comments, set out earlier in this report.

The Landscape Masterplan and GI Plans submitted shows areas of wildlife friendly planting schemes, and native hedgerows will be planted to be reinforce existing boundary hedgerows and bramble ecological habitats, in order to provide long-term value of this area for botany, ground nesting birds, foraging bats and potentially reptiles. A condition will be used to ensure that all boundary fencing will contain hedgehog gaps to enhance connectivity for small mammals.

The Loughor Fields Site of Importance for Nature Conservation (SINC) is located immediately adjacent to the application site and the site is close to the Loughor Estuary, which is designated as a European protected site. It is noted that a Construction Environment Management Plan (CEMP) has been submitted with the application.

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However, the submitted CEMP does not address the proximity of protected sites. As such a condition requiring the submission of a revised CEMP is recommended.

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

As such the application is considered to be acceptable in this regard and complies with LDP Policies ER8 and ER9 and the Biodiversity and Development SPG.

Affordable Housing

There are 37 affordable dwellings (37%) proposed on the site. They are 'pepper-potted' throughout the site. The requirement is to provide 15% affordable housing within the Greater North West Strategic Housing Policy Zone, which equates to 15 dwellings. As such, the affordable dwellings on site significantly exceeds the required amount.

The affordable dwellings comprise the following;

- 18 x 1 bed apartments located in 1 block of 6 apartments on plots 49-54, and the remainder in blocks of 2 'walk-up' apartments on plots 55-56, 57-58, 61-62, 80-81, and 87-90
- 6 x 2 bed houses located on plots 14, 67, 68, 69, 85 and 97
- 10 x 3 bed houses on plots 13, 15, 16, 19, 20, 33, 34, 35, 84 and 86
- 3 x 4 bed houses on plots 72, 96, and 98.

The required 15% (15 dwellings) will be secured via a S106 agreement for the following; 6 x 1 bedroom apartments, 5 x 2 bedroom houses, 2 x 3 bedroom houses and 2 x 4 bedroom house. They will be social rented at an ACG of 42% and be WDQR compliant.

The Housing Enabling Officer has confirmed that they agree with the proposed siting and range of affordable dwellings provided. The design and specification of the affordable units is shown to be of equivalent quality to those used in the Open Market dwellings.

The affordable houses aspect of the proposal is therefore considered to comply with Policy H3 of the Swansea Local Development Plan.

Drainage

It is noted that the Drainage Officer has confirmed that the applicant will have to apply separately to the for SuDS Approval Body (SAB). All issues relating to surface water drainage will be considered under the SAB application.

With regard to foul water drainage, Dwr Cymru / Welsh Water (DCWW) have confirmed that the application details highlights that foul flows can be accommodated within the public sewerage system and therefore DCWW have confirmed that they have no objection to the principle of the proposal.

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DCWW has requested a condition requiring the reinforcement of works to the local water supply network, to ensure that the site is served by a potable water supply.

It is noted that the adjacent Beili Glas Farm House has a septic tank located within the application site, which could potentially be affected by the proposed development. The agent has confirmed that the existing foul drainage from Beili Glas Farm House will be diverted into the new foul drainage system for the new development.

With regard to the surface water drainage from Glebe Road into the public right of way, this is to be repaired by the Council, and the S106 includes a contribution £12,500 towards improvements to the public right of way, comprising draining the route via ditches or pipes and sympathetic route resurfacing. These constructions works, their design and installation will be carried out by the Highway Authority

Consequently, the proposal complies with Policy RP4 of the Swansea Local Development Plan.

Education

The Council's Education Department have confirmed that there is no requirement for a contribution to the English and Welsh Secondary schools (Pen Y Heol and YG Gwyr) as there is sufficient capacity to accommodate the children generated by this development.

The requested contributions for the English and Welsh primary schools are as follows:

Pontybrenin (Welsh Primary) - 3 pupils = £45,300
Tre-Uchaf (English Primary - 19 Pupils = £286,900.
Total S106 Contribution = £332,200

It should be noted that currently, there are 25 unfilled places in Tre-Uchaf, of which 1 space has been taken by a pupil living on the adjacent Barratts estate. It is noted that at the time of the planning application for the Barratts housing development, no S106 contribution was required as there were enough unfilled places at Tre-Uchaf to accommodate the 24 children generated by that development. As such, 23 spaces are still required to accommodate the future children from the Barratts development. Therefore, there are theoretically 2 unfilled places at Tre-Uchaf. The current application would generate 21 pupils, which leaves as shortfall of 19 places, and it is on that basis that the contribution of £286,900 is required to provide additional capacity at Tre-Uchaf primary school.

Subject to the provision of the S106 contribution specified above, the application is considered to be acceptable in this regard and would comply with LDP Policy SI3.

Pollution Control

The Pollution Control Department have confirmed that they have no objection to the planning application, subject to a condition requiring that if any contamination not previously identified is found to be present at the site, then no further development works 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, to ensure that the safety of future occupiers is not prejudiced.

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In addition they have also requested that informatives be added with regard to construction site noise, smoke / burning of materials, dust, and lighting and vibration.

NRW have confirmed that a condition requesting the submission of a Construction Environmental Management Plan is required. This condition is included in the recommendation below.

Subject to the imposition of these conditions, the proposal complies with LDP Policies SI3 and RP7.

Mining Legacy

Part of the site is located within a defined Development High Risk area, and the Coal Authority have confirmed that their records show that the northern part of the site lies within an area of recorded shallow coal mining. Furthermore, within 20m of the north-eastern site boundary, there is a recorded mine entry, which has been capped with a 3.7m concrete cap. The Coal Authority confirmed that it is unlikely that the recorded mine entry will be present within the boundary of the application site.

The agent has submitted a Preliminary Geotechnical & Geo-environmental Assessment which recommends that additional research and investigations are required. The Coal Authority have confirmed that if shallow coal workings are encountered at this site with the potential to influence surface stability, that an appropriate scheme of remediation should be implemented.

As such, the Coal Authority has raised no objection to the application subject to conditions requiring the submission of a scheme of intrusive site investigations (to establish the risks posed to the development by past coal mining activity), together with a scheme of any necessary remediation works and/or mitigation measures. A second condition is required to ensure that a signed statement is submitted by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development.

Archaeology

The Glamorgan Gwent Archaeological Trust (GGAT) have confirmed that the application site is located in an areas of high archaeological potential, as it is located close to the line of the Roman road leading east from the Loughor fort. It is noted that remains of Roman date, have been discovered alongside the road, such as an alter, quern stones, coins, pottery and possibly a kiln.

As such, there is the potential for encountering archaeological remains during the course of the development, particularly those dating to the Roman or Post-medieval periods. Therefore, GGAT have advised that a condition requiring the submission of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource, in the form a watching brief during the groundworks required for the development, forms part of any permission granted. Such a condition is therefore included in the recommendation below, and is considered necessary to make the impact on any archaeological resource acceptable.

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Welsh Language

The site is located within a Welsh Language Sensitive Area. In line with Policy HC 3 the proposal requires a Welsh Language Action Plan to set out the measures to be taken to protect, promote and enhance the Welsh language. The applicant has submitted a Welsh Language Action Plan (WLAP) as part of this application. However it is not considered to include sufficient mitigation measures.

In order to mitigate the potential impacts of the development and to ensure the proposal can contribute positively to the cultural fabric of Loughor, the WLAP should contain the mitigation measures listed below, in addition to the recommendations listed at section 4.6 of the WLAP. The following mitigation measures represent a minimum of what would be required 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 Loughor.
- Support for Menter Iaith Abertawe, or other Welsh medium community groups, within the ward.

These measures should all be actioned by the developer and will be secured by means of a condition that requires the developer to submit a more robust WLAP to the Council for its approval, prior to development works commencing on site.

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

Subject to the imposition of the condition mentioned above, the proposal would comply with Policy HC3 of the Swansea Local Development Plan 2010-2025.

Response to Consultation

Issues relating to impacts upon local amenities, infrastructure, schools, overlooking, loss of privacy, character, residential amenity, access, traffic congestion, parking levels, drainage and flooding, overbearing impacts, siting, design and external appearance, garden sizes, loss of light, noise and air pollution, Japanese Knotweed, conservation of the natural environment, impacts on species, bats, wildlife, landscape, birds, trees, hedgehogs, habitats, boundaries, public transport, coal mining / land stability, density and principle of development, young people / youth play provision, green space, drainage from Beili Glas Farm house, public right of way, have been addressed in the preceding paragraphs of this report.

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With regard to the other issues contained within the list of objection points, including the capacity of the local doctors and dentist surgeries, hospitals, and house values, these issues are not material planning considerations and so do not form a reason for the refusal of the application.

With regard to impacts from the construction phase of the development, it is noted that these will be temporary impacts and are controlled under separate legislation. An informative has been added to advise the developer of appropriate construction hours, noise, dust etc as per the Pollution Control section of this report.

With regard to the potential impact on the access to Beili Glas Farm, it is noted that the main foul rising main will follow the line of the existing access. The applicant has served Notice on the owner of the access and this issue will be a civil matter between the applicant and the landowner.

With regard to the lack of reference to the historic nature of Beili Glas Farm in the applicant's Design and Access statement (DAS), it is noted that Beili Glas Farm House is not a listed building and is not within a conservation area. As such, it was not essential to make specific reference to it in the DAS.

With regard to previous pre-application enquiries, these are confidential in nature and as such were not available for public comment and review.

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

It is considered that the proposal accords with the provisions of Policies: PS1, PS2, PS3, IO1, IO2, H1, H3, H4, HC3, SI1, SI3, SI6, SI8, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU4, RP1, RP4, RP6, RP7 and RP10 of the Swansea Local Development Plan 2010-2025 (LDP), and the following Supplementary Planning Guidance Notes (SPG's)

- Placemaking Guidance for Residential Development (Adopted October 2021)
- Trees Hedgerows and Woodlands (Adopted October 2021)
- Development and Biodiversity (February 2021)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)

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 WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

Recommendation

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

- o **Affordable Homes** : 15% (15 dwellings) on the site comprising, 6 x 1 bedroom apartments, 5 x 2 bedroom houses, 2 x 3 bedroom houses and 2 x 4 bedroom house. They shall be social rented at an ACG of 42% and be WDQR compliant. The specification of the AH houses shall be of equivalent to those used in the open market houses. The AH homes shall be located on Plots 49-54, 67, 68, 69, 84, 85, 86, 96, 97 & 98 as shown on the approved site layout plan 2361-04(02)-104Rev U and 2361-05(02)105 Rev A received on 28th February 2022.

No more than fifty percent (50%) of the Open Market dwellings shall be occupied until six (6) the Affordable Housing dwellings have been constructed and completed and capable of occupation, and no more than eighty percent (80%) of the open market dwellings shall be occupied until the remaining nine (9) affordable housing dwellings have been constructed and completed and capable of occupation.

- o **Highways Improvements** - a contributions of **£16,000** towards local improvements of the Heol Pen Y Beili footpath to include lighting, widening, resurfacing and new vehicle exclusion measures, and **£35,000** towards a TUCAN Crossing on Brynllwchr Road.
- o **Public Right of Way** - a contribution of **£12,500** for improvements to the PROW LC39 to the east of the site comprising draining the route via ditches or pipes and sympathetic route resurfacing. These constructions works, their design and installation will be carried out by the Highway Authority. To be paid on the occupation of the first residential dwelling.
- o **MUGA** - A contribution of **£30,000** towards the upgrading of the existing MUGA in Parc Williams (new fencing, goal ends, re-surfacing and court over marking). To be paid on the occupation of the first residential dwelling.
- o **Education** - Total Contribution of **£332,200** (plus indexation) to the following schools;

Pontybrenin (Welsh Primary) - **£45,300**.

Tre-Uchaf (English Primary) - **£286,900**

Payment of 50% of the education contribution (plus indexation) prior to the occupation of the first housing unit, and the second 50% prior to the occupation of the 25th housing unit.

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- o **Maintenance and Management Plans** for the retained trees, new trees and planting, existing retained hedgerows, LAPS, open spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) to be submitted and implemented prior to the occupation of the first residential unit (unless these areas are adopted/maintained by the Council).
- o **Management and Monitoring fee** of £5,872 (based on 20% of the planning application fee).
- o **Council's legal fees** of £1000 (relating to the preparation of the S106 agreement)
- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:

2361 - (02) - 100 C - LOCATION PLAN
2361-08(03)308-01B - 421 ELEVATIONS BRICK
2361-08(03)308-02B - 421 ELEVATIONS RENDER
2361-13(03)213 - BINS STORE PLANS AND ELEVATIONS
2361-14(03)214 - CYCLE STORE PLANS AND ELEVATIONS
SUPPLEMENTARY SITE INVESTIGATION REPORT
Received 6th July 2021

SITE INVESTIGATION REPORT
SI REPORT & COAL MINING RISK ASSESSMENT
Received 8th July 2021

2361-10(03)310-01 - 641 ELEVATIONS BRICK.
2361-09(03)309-02B - 531 ELEVATIONS RENDER
2361-09(03)309-01B - 531 ELEVATIONS BRICK
2361-09(03)209A 531 - 531 FLOOR PLANS
2361-08(03)208B 421 - 421 FLOOR PLANS
2361-05(03)205-02 - HAMPSTEAD SPECIAL FLOOR PLAN
2361-05(03)205-01 - HAMPSTEAD FLOOR PLAN
2361-03(03)203A - LETCHWORTH FLOOR PLANS
2361-02(03)202A - OSBOURNE FLOOR PLANS
2361-01(03)201 - OAKDALE FLOOR PLAN
2361-00(03)200A - RHIWBINA FLOOR PLANS
Received 20th July 2021

2361-12(03)312A - HOUSETYPES COMBINATION FLOOR PLANS & ELEVATIONS.
2361-11(03)311A - HOUSETYPES COMBINATION FLOOR PLANS & ELEVATIONS
2361-10(03)310-02B - 641 ELEVATIONS RENDER
2361-10(03)210-01A - 641 FLOOR PLAN
2361-07(03)307-01A - 211 ELEVATIONS

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2361-07(03)207 - 211 FLOOR PLAN
2361-06(03)306-01E - 212 ELEVATIONS
2361-06(03)206-02D - 212 FIRST FLOOR PLAN
2361-06(03)206-01D - 212 GROUND FLOOR PLAN
2361-05(03)305-04A - HAMPSTEAD SPECIAL ELEVATIONS RENDER
2361-05(03)305-03A - HAMPSTEAD SPECIAL ELEVATIONS BRICK
2361-05(03)305-02A - HAMPSTEAD ELEVATIONS RENDER
2361-05(03)305-01A - HAMPSTEAD ELEVATIONS BRICK
2361-03(03)303-02A - LETCHWORTH ELEVATIONS RENDER
2361-03(03)303-01A - LETCHWORTH ELEVATIONS BRICK
2361-02(03)302-02B - OSBOURNE ELEVATIONS RENDER
2361-02(03)302-01B - OSBOURNE ELEVATIONS BRICK
2361-01(03)301-02A - OAKDALE ELEVATIONS RENDER
2361-01(03)301-01A - OAKDALE ELEVATIONS BRICK
2361-00(03)300-01B - RHIWBINA ELEVATIONS BRICK
Received 26th January 2022

2361-18(03)318C - PLOTS 74-84 SECTION
2361-17(03)317B - FLATS 7&8 - PLOTS 16 & 26-33 SECTION
2361-16(03)316B - PLOTS 6-72 & FLATS 9 & 10-18 SECTION
2361-15(03)315C - PLOTS 2-67-69 & 4-70 SECTION
2361-10(03)310-01 - 641 ELEVATIONS BRICK
2361-09(03)309-02B - 531 ELEVATIONS RENDER
2361-09(03)309-01B - 531 ELEVATIONS BRICK
Received 28th January 2022

B024894 BG.LA.102 - PLAY STRATEGY
Received 15th February 2022

2361-SK501-E - FOUL DRAINAGE PLAN
2361-550-A - PROPOSED ACCESS ARRANGEMENT
2361-520-1 REV.F - ENGINEERING LAYOUT - SHEET 1 OF 2.
2361-520-2 REV.G - ENGINEERING LAYOUT - SHEET 2 OF 2
2361-500-H - SUDS STRATEGY PLAN
2361-04(03)104X - SITE LAYOUT
205560_AT_A03 REV F - SWEPT PATH ANALYSIS - PARKING BAYS
205560_AT_A02 REV F - SWEPT PATH ANALYSIS - TWO WAY WORKING
205560_AT_A01 REV H - SWEPT PATH ANALYSIS - REFUSE TRUCK
205560_A01 - REV H - VISIBILITY SPLAYS - INTERNAL ASSESSMENT
Received 2nd March 2022.

2271- SH - STORAGE SHED
2361-50(02)250 Rev J - HOUSING FINISHES LAYOUT
received 23rd March 2022.

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

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- 3 Notwithstanding the drawings hereby approved, before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall indicate the positions, height, design, materials and types of boundary treatment to be erected.

The submitted details shall also show the provision of gaps or holes of a minimum of 13cm by 13cm along the bases of any proposed boundary fences (in order to allow for the free movement of small foraging animals such as hedgehogs). Any future replacement fencing shall also include such gaps or holes.

Reason: In the interests of residential amenity, the interests of the visual amenities of the area and the interests of small foraging animals.

- 4 Prior to the construction of the superstructures of the buildings hereby approved, full details and specifications of the following shall be submitted to and approved in writing by the Local Planning Authority;

a) the materials (including samples) to be used in the construction of the external surfaces of the buildings, including all rain water goods, doors, barge boards, fascias boards, soffits and windows.; and

b) the solar panels to the roofs of the buildings (large scale drawn details)

The development shall thereafter be carried out in accordance with the approved details:

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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

Reason: In the interests of highway safety.

- 6 No development shall commence until a Lighting Plan has been submitted to and approved in writing by the Local Planning Authority.

The Lighting Plan should include:

- Details of the siting and type of external lighting (including street lighting) to be used
- Drawings setting out details of light spillage in key sensitive areas.
- Details of lighting to be used during the construction and operational phases of the development
- An environmental lighting impact assessment against conservation requirements for protected species

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- Light modelling images to present the night time effects of lighting on sensitive habitats.

The Lighting Plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>.

The development shall be carried out in accordance with the details included within the approved Lighting Plan.

Reason: In the interests of highway and pedestrian safety, and to reduce the impacts of lighting on local biodiversity interests.

- 7 No development shall commence, until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall detail the suitability and proposed enhancements of a receptor site,, vegetation management and exclusion fencing at the application site, the methods and timings for the translocation of reptiles and proposals for future monitoring of the translocated population.

The recommendations/mitigation measures included within the approved Reptile Mitigation Strategy shall thereafter be implemented in full.

Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on any reptiles.

- 8 No development shall commence, until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following;

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management e.g. to restore and enhance existing habitats, ensure successful establishment of new habitats etc.
- d. Appropriate management and monitoring options for achieving aims and objectives.
- e. Prescriptions for management actions to include but not be limited to; a scheme for reptile receptor enhancement and bat and bird box installation.
- f. Preparation of a work schedule and monitoring scheme (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the suitably skilled body or organization responsible for implementation of the plan.
- h. On-going monitoring, including of protected species, and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

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The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The recommendations/mitigation measures included within the approved LEMP shall thereafter be implemented in full.

Reason: In the interests of maintaining and managing the landscape and ecological features of the site.

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

Reason: In the interests of ecology and biodiversity enhancement.

- 10 No development shall commence, until a Wildlife /Habitat Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Wildlife /Habitat Protection Plan shall include;

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

The approved Wildlife /Habitat Protection Plan shall thereafter be implemented in accordance with the timings to be approved by the Local Planning Authority.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2017 are adequately protected, and to protect and enhance the character and appearance of the site and its setting.

- 11 No development shall commence, until a Tree Protection Plan and Arboricultural Method Statement, (which should include the canopy and the boles of adjacent trees whose roots will likely be impacted by grading and or construction of means of enclosure) is submitted to and approved in writing by the Local Planning Authority. The drawings contained within the Tree Protection Plan and Arboricultural Method Statement shall be annotated to show how foundations and any excavation in the vicinity of trees would be done by hand and that the boundary construction detail(s) would allow for the reduction of panel widths (or bridging foundations) to avoid damage to major tree roots (trees within and from trees adjacent to the site).

The Tree Protection Plan and Arboricultural Method Statement shall include the following information:

- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
- (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
- (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) Details of any levels changes within or adjacent to protection zones;
- (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
- (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
- (i) Provision for the prevention of soil compaction within planting areas;
- (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
- (k) Provision for briefing construction personnel on compliance with the plan;
- (l) Provision for signage of protection zones and precautionary areas;
- (m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

The development shall then be implemented in accordance with the recommendations/mitigation measures included within the approved Tree Protection Plan and Arboricultural Method Statement.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

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- 12 Prior to the commencement of development, a detailed Method Statement and Management Plan for the eradication of any Invasive Non-Native Species (INNS) and Japanese Knotweed within the site shall be submitted to and approved in writing by the Local Planning Authority. The recommendations contained within the approved Method Statement shall be implemented prior to the commencement of development works. The recommendations contained within the Management Plan shall be adhered to thereafter.
Reason: In the interests of the ecology and amenity of the area.

- 13 Notwithstanding the details shown on the submitted drawings, a revised Landscape Planting Plan (incorporating revised street level Green Infrastructure planting) shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development works. All planting, seeding or turfing shown in the approved Landscape Planting Plan shall be carried out in the first planting and seeding seasons following the completion of the development.

The completed landscaping scheme shall thereafter be managed and/or maintained in accordance with an approved scheme of management and/or maintenance to be submitted to and approved in writing by the Local Planning Authority before the commencement of development works.

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.

- 14 Notwithstanding the details shown on the submitted drawings, revised details of both hard and soft landscape works (excluding proposed planting works) shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development works. These details shall include:

- i) a statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vii) any water features.

The approved landscaping works shall be carried out in the first planting and seeding seasons following the completion of the development.

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The completed landscaping scheme shall thereafter be managed and/or maintained in accordance with an approved scheme of management and/or maintenance to be submitted to and approved in writing by the Local Planning Authority before the commencement of development works.

Reason: In the interest of protecting visual amenity.

- 15 No development shall commence, until full details of the proposed pumping station (including details of the boundary treatment enclosing the pumping station) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details:

Reason: In the interests of visual amenity.

- 16 No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
b) any remediation works and/or mitigation measures needed to address land instability arising from past coal mining activity, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safety and stability of the proposed development.

- 17 Prior to the occupation of any of the dwellings hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the proposed development.

- 18 No development shall take place until a potable water scheme to serve the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate whether or not the existing water supply network can suitably accommodate the proposed development. If it cannot, a scheme to upgrade the existing public water supply network in order to accommodate the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The approved scheme shall be carried out in full, prior to any of the dwellings hereby approved being occupied and shall be remain as such in perpetuity.

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

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- 19 No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. The programme of work shall thereafter be fully carried out in accordance with the approved scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 20 If, during the course of development, contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing by the Local Planning Authority) until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The measures contained within the approved detailed strategy shall be implemented thereafter.
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 21 Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 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 extensions, roof extension, porches, buildings, hardstandings or other alterations shall be carried out unless expressly authorised by this permission.
Reason: To safeguard the character and amenities of the premises and adjoining properties and To prevent inappropriate development on site that may affect the receiving watercourse and create or exacerbate any existing flood risk and in the interests of visual amenity and the amenities of neighbouring occupier.
- 22 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house, forward of any wall of that dwelling house which fronts onto a road, unless already shown on the drawings hereby approved.
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway safety.
- 23 Prior to the occupation of any of the dwellings hereby approved, full details of the proposed arrangements for the future management and maintenance of the proposed internal roads 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 internal roads 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.
- 24 No 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.

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The CEMP shall include;

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The measures contained within the approved CEMP shall be implemented in full during the site preparation and construction phases of the development.

Reason: A CEMP is required to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

25 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.

26 Notwithstanding the drawings hereby approved, prior to the commencement of development works relating to Plots 12 and 13, revised elevational drawings and floor plans of the dwellings to be constructed on Plots 12 and 13 shall be submitted to and approved in writing by the Local Planning Authority. The revised details shall make provision for a window to be featured within the southern elevation of the dwelling on Plot 12 and a window to be featured within the northern elevation of the dwelling on Plot 13.

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The development shall thereafter be implemented in accordance with the details thereby approved.

Reason: To ensure adequate natural surveillance is provided to the footpath located between Plots 12 and 13 in the interest of good placemaking principles.

27 Notwithstanding the submitted Welsh Language Action Plan, no development shall commence, until a revised Welsh Language Action Plan which includes the following proposed measures has been submitted to and approved in writing by the Local Planning Authority.

- 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 Loughor.

The measures/recommendations contained within the approved Welsh Language Action Plan shall be implemented in full thereafter.

Reason: To ensure that the impact of the development on the Welsh language is considered in the development, marketing and place names of the proposal.

Informatives

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

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS3, IO1, IO2, H1, H3, H4, HC3, SI1, SI3, SI6, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU4, RP1, RP4, RP6, RP7 and RP10.

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

3 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).

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- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
 - Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
 - Disturbance to dependent young of such a bird.
- No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 5 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 6 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member
- 7 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.
- 8 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.

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- 9 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 10 The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal: <https://www.swansea.gov.uk/treespg>
- 11 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:
- Kill, injure or take a badger;
 - Damage, destroy or obstruct access to a badger sett; and
 - Disturb a badger when it is occupying a sett.
- If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).
- 12 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- 13 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.
- 14 It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.
- 15 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 unless otherwise agreed through the Local Planning Authority.

It is recommended that regular monitoring is carried out for noise to ensure compliance in line with BS5228-1:2009+A1:2014.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

2. Smoke/ Burning of materials - No burning of any materials 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. Dust monitoring and suitable screening should be installed along site boundaries to minimise potential for dust nuisance. 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 local residences from on-site lighting.

5. Vibration - It is recommended that regular monitoring is carried out for vibration to ensure compliance in line with BS5228-2:2009+A1:2014. It is further recommended the nearest dwellings are inspected for damage prior to any high vibration works in case of any claims against the developer.

16 Welsh Language Action Plan - It is advised that you include the proposed promotion of Welsh education/lessons for children and adults, such as highlighting proximity of Welsh schools in sales promotions: - which should include information of Welsh language preschool groups, such as Menter Iaith Abertawe playgroups and mother and baby groups, which meet in the area.

17 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

18 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.

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- 19 Any open excavations made during the construction phase of the development shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped in open excavations. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
 - 20 The developer must contact the Highway Authority regarding the provision of a Construction Method Statement.
-

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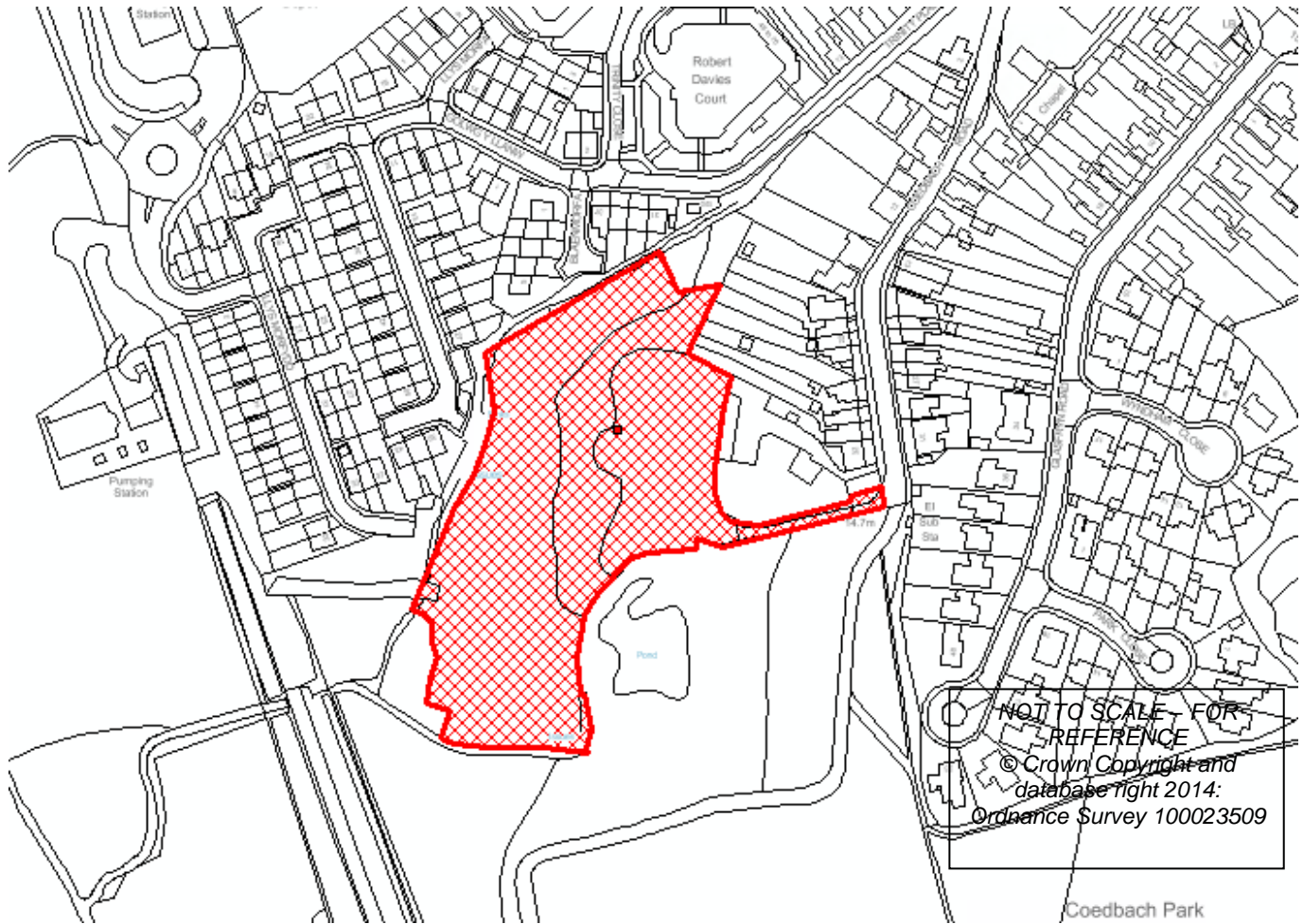
Item 3

Application Number: 2018/2629/FUL

Ward: Pontarddulais - Area 1

Location: Land Off Coed Bach Road, Pontarddulais, Swansea, SA4 8RB
Proposal: Construction of 56 dwellings with associated infrastructure (Amended proposals)

Applicant: Hygrove Holdings Ltd



Site History

App Number	Proposal	Status	Decision Date
2018/1086/PRE	Pre-application – Residential development – up to 60 dwelling units	MIXPRE	02.07.2018

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Item 3 (Cont'd)

Application Number:

2018/2629/FUL

Background

This application is being reported to Planning Committee as the development is major development of 20 dwellings or more.

The applicant originally stated that this application forms the fourth phase of a mixed-use regeneration scheme on land to the west of Pontarddulais including the construction of 49 affordable homes (phase 1), a retail store (phase 2) and 35 open market homes (phase 3). However, these have all been submitted as individual applications and developed as such. A bridged access over a watercourse to the site was granted permission in April 2017 (Ref: 2016/3542/FUL) but this has not been constructed to date.

Planning permission was approved subject to conditions in March 2009 for 49 dwellings with no S106 agreement on phase 1. Condition 2 of this permission required a minimum of 30% affordable housing on site. Condition 11 related to the ongoing management and maintenance of the SW receptor. The site was subsequently sold to Coastal Homes who developed 21 dwellings as affordable housing and the remainder as market housing under their “Pennant Homes” arm.

Planning permission was approved for 35 dwellings subject to a S106 agreement in February 2016. Due to viability concerns, no affordable housing provision was provided (on the basis that when added with phase 1 – 25% of the overall units would be affordable housing) and a contribution of £50,000 was given to education. This permission has subsequently been amended via a S73 application (2017/0768/S73).

The application was subject to pre-application advice prior to submission when the Authority raised concerns about the number of units proposed (whilst 50 dwellings were shown on the submitted layout plan, the applicant requested advice for up to 60 dwellings) and issues with the design/ layout of the scheme. These issues were not addressed prior to submission and the application has subsequently been revised several times up until this point.

The application was originally submitted for 60 dwellings in December 2018, increased to 61 as per one revision but is now for 55 dwellings. 3 dwellings have been removed as they were located in a C1 flood zone at the northern end of the site and the site plan amended to reflect this.

The current application is now on its 8th formal iteration since submission but there has been significant informal dialogue on the issues on site throughout the application period alongside this. In September 2021, the applicant was advised that it was the Council’s intention to determine the application as submitted (with a recommendation of refusal) as fundamental concerns remained with the layout. The applicant requested a further chance to amend the scheme and address the numerous issues raised and one final chance was provided to ensure all of the outstanding issues were overcome in a comprehensive and holistic manner. The LPA set out detailed advice on the various issues raised and what information was required to be submitted (including a detailed viability appraisal) and met with the agent to discuss the proposal. The current iteration (received in January 2022) is that now before the Committee.

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Item 3 (Cont'd)

Application Number:

2018/2629/FUL

Site Description

The proposed application site (approximately 1.2 hectares) was previously occupied by a Concrete Pipe Works. This building was situated towards the southern part of the site but its main structure has since been demolished (by 2012), leaving just its hard standing.

The site's immediate surrounding area is predominantly residential to the north and east. Coed Bach Park, a large woodland park, is situated to the south; a short path leads from the site directly to the park's entrance. Within a short walking distance from the site is Pontarddulais town centre and its range of facilities and services. The site will be accessed off Llys Morfydd (i.e. Hygrove's Phase 3 open market residential site) via Tidal Reach Road.

A minor watercourse lies to the site's northern boundary and follows the site's boundary around to the west. The minor watercourse meets an old Victorian culvert to the south western boundary. The western boundary is also demarked by the phase 3 approved attenuation area, which forms part of this application site's surface water strategy. The eastern and north-eastern boundaries are defined by the retaining/ garden walls of neighbouring residential dwellings on Coed Bach Road. The Coed Bach Park SINC adjoins the site to the south and the Waungron SINC is located to the west of the site but doesn't directly adjoin the current planning application site boundary.

A line of trees follow the northern, western, southern and south-eastern boundaries. The application site is elevated above the northern and western boundaries but is lower than the existing Coed Bach Road residential properties situated along the eastern boundary. Care over the design and especially the proposed roof-line was required to ensure that the application site has no adverse impact on the surrounding residential dwellings. The application site has an almost level plateau although the site does slope at the far north eastern boundary. Re-profiling and engineering works will be required at this part of the site.

Description of Development

Full planning permission is sought for the construction of 55 dwellings at land off Coedbach Road in Pontarddulais. In terms of the proposal, 2 x 4 bed dwellings are proposed along with 12 x 3 bed dwellings, 35 x 2 bedroom dwellings and 6 x 2 bedroom flats. The dwellings would be two-storey finished either with Forticrete stone frontages, Istock Weston Red Multi brick or Hansons Village Harvest brick. The apartments would be finished in through-colour render and would be 2 storey with Juliet balconies on the rear. The site layout would comprise a mixture of 2 x detached dwellings and predominantly semi-detached and small terraces of 3-4 dwellings with parking to the front of the majority of dwellings. A parking court of 10 dwellings is also proposed to the rear of plots 51 – 55 at the entrance to the site to provide for a continuous active travel route and 2m wide planted verge along the frontage.

The development would utilise the access road from a previous Hygrove development on the eastern boundary of the site but would require the construction of the bridge approved under planning permission 2016/3542/FUL. The access road would turn and run north with a spur to the south serving 10 dwellings and the parking court (15 dwellings total). Further cul-de-sacs would be located to the east and west of this main access road which would terminate at a small cul-de-sac at the northern end of the site. The area to the north of this turning head is C1 flood plain and the dwellings have been removed following concerns from Natural Resources Wales and Officers about the justification for dwellings in this area. The area has been omitted from the application site. The 3m wide active travel route would continue west-to-east through the site and provide access to Coed Bach Road.

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Application Number:

2018/2629/FUL

The applicant has submitted a sustainability appraisal in order to reduce parking by 1 space per unit (with a minimum of 1 space provided). The 2 bed dwellings would have 1 space each and the 3-4 bed dwellings would each have 2 spaces. Visitor parking is proposed on-street though no spaces have been marked out/ indicated.

The application has been submitted along with an Arboricultural Report, Flood Consequences Assessment, Transport Statement, Travel Plan, Ecological Impact Assessment and Site Investigation Report. A Green Infrastructure Assessment was subsequently submitted after the application was registered and there have been various updates to the documents submitted to reflect site layout changes.

Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector

Leadership Policy 7 - Delivering Affordable Homes

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition – February 2021)

Chapter 1: Introduction:

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

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

Paragraph 1.11 states that the Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. The concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural. The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales (1.13).

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A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review (1.18).

Chapter 2: People and Places: Achieving Well-being Through Placemaking

Paragraph 2.3 states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people (2.7). Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (2.8).

Paragraph 2.9 states that the most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making. Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities (2.10).

Chapter 3: Strategic and Spatial Choices

Paragraphs 3.1 and 3.2 state that effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected. These crucial, early decisions will have the greatest impact on the type of development which is ultimately delivered and its contribution to sustainable development and the environmental, social, cultural and economic well-being of Wales. The choices made at this stage should be shaped by appropriate engagement with the public and other stakeholders using the 5 Ways of Working to enhance proposals and ideas and to maximise their contribution to the well-being goals. Getting these aspects right, or in place, at an early stage, will enable more effective and justifiable decisions to be made further on in the development of plans and projects.

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

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Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport (3.6).

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

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

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

Paragraph 3.20 states that disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a person's lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation. The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment. Planning authorities should develop and maintain places that support healthy, active lifestyles across all age and socio-economic groups, recognising that investment in walking and cycling infrastructure can be an effective preventative measure which reduces financial pressures on public services in the longer term. The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places (3.22).

Paragraph 3.23 states that green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces.

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In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal (3.25).

Chapter 4: Active and Social Places

This theme supports and enables the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes (4.0.2).

To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds (4.1.19). Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout (4.1.20).

Paragraph 4.1.21 states that the Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 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 Manual for Streets and the Active Travel Design Guidance, and not adhere to ridged standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. (4.1.27). New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site connections. Planning authorities should also seek to assist in the completion of the national cycle network and key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure. Planning authorities should seek opportunities to increase habitat connectivity, mitigate habitat fragmentation, and secure wider green infrastructure benefits along transport networks (4.1.33).

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Transport Assessments are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for appropriately (4.1.56).

Paragraph 4.2.1 states that new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities. Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities (4.2.5).

Paragraph 4.2.21 states that where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.

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 (4.2.25). 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. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing (4.2.26).

Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities.

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These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales (4.5.1).

Chapter 5: Productive and Enterprising Places

The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport (5.3.1).

Chapter 6: Distinctive and Natural Places

Paragraph 6.0.2 states that the special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles. As well as those characteristics regarded as special or unique there are other, environmental qualities of places which are ubiquitous. Environmental components of places, such as clean air, access to open spaces and water quality, are linked to the quality of the built and natural environment. The environmental components of places influence and shape health and wellbeing as well as playing a role in sustaining and creating places which are adaptable and resilient to change. Distinctive and Natural places must maintain or incorporate green infrastructure, recognising the wide ranging role it can play, as key components of their natural and built fabric. Doing so will maximise health and well-being of communities and the environment (6.0.3).

Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks (6.2.1).

Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them (6.4.1). Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (6.4.5).

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

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Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development (6.6.25). Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS (6.6.27).

Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction (6.6.19). Ensuring that remediation measures are implemented to required standards is essential and planning authorities will require proof, in the form of a validation/ verification report, or equivalent, that this has occurred. For example, if a property is at risk from the migration of underground gases then a validation/ verification report should contain a test certificate demonstrating that it has been constructed with gas membranes which have been correctly installed, and the risks adequately mitigated (6.9.20).

Adopted Swansea Local Development Plan

PS1: Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS2: Placemaking and Place Management – development must enhance the quality of places and spaces and shall accord with relevant placemaking principles. This is listed in full below.

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

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

IO2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

H2: Affordable Housing Strategy - provision will be made to deliver a minimum 3,420 affordable housing units over the Plan period.

H3: Affordable Housing – sets the percentage of affordable housing provision required in the 3 different Strategic Housing Policy Zones (20% for this zone).

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

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HC3: Development in Welsh Language Sensitive Areas - the Welsh language will be safeguarded and promoted throughout the County with the provision of a Welsh Language Action Plan.

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

SI2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI3: 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 additional school facilities.

SI5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

SI6: Provision of New Open Space – 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.

SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER1: Climate Change – Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER6: Designated Sites of Importance for Nature Conservation - development will not be permitted that would result in a likely significant adverse effect to sites of international or national nature conservation importance. Development that would affect locally designated sites of nature conservation importance should maintain or enhance the nature conservation interest of the site.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER9: Ecological Networks and Features of Importance for Biodiversity – development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

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ER11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all 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 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.

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.

EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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

RP1: 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 natural and historic environment, will not be permitted.

RP2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3: 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 future occupants.

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RP4: 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.

RP5: Avoidance of Flood Risk – new development will be expected to be located away from unnecessary risk.

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

RP7: Land Instability - development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity.

RP8: 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.

PS 2: PLACEMAKING AND PLACE MANAGEMENT

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. Depending on the nature, scale and siting of the proposal, development should also:

- i. Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- ii. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;
- iii. Create or enhance opportunities for Active Travel and greater use of public transport;
- iv. Integrate effectively with the County's network of multi-functional open spaces and enhance the County's green infrastructure network;
- v. Enhance public realm quality, incorporating public art where appropriate;
- vi. Provide for a hierarchy of interconnected streets and spaces;
- vii. Ensure active frontages onto streets and spaces to provide natural surveillance and character;
- viii. Provide an accessible environment for all;
- ix. Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles;

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- x. Deliver new, and/or enhance existing, connections to essential social infrastructure and community facilities;
- xi. Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- xiii. Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses;
- xiv. Ensure no significant adverse impact on natural heritage and built heritage assets;
- xv. Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life; and
- xvi. Ensure that commercial proposals, including change of use proposals:
 - a. Incorporate active frontages and shopfront designs that make a positive contribution to the streetscene,
 - b. provide appropriate enclosure,
 - c. relate well to the character of the host building,
 - d. do not compromise the ability to deliver priority regeneration schemes.
- xvii. Have regard to the implications for infrastructure and services.

Supplementary Planning Guidance (SPG):

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

- Placemaking Guidance for Residential Development (adopted 2021)
- City and County of Swansea Parking Standards (adopted 2012)
- Trees, Hedgerows and Woodlands (adopted 2021)
- Biodiversity and Development (adopted 2021)
- Planning Obligations (adopted 2010)

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

Consultations:

Given the amount of consultation undertaken on this application, only the most recent and up-to-date comments have been included where relevant. Previous comments on earlier iterations are all on the planning file on the Council's website.

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Strategic Planning and Placemaking:

Overview

The comments provided in the appraisal below supplement representations previously made by the Placemaking and Strategic Planning (PSP) Section in relation to this application. The comments relate to the most recently submitted documentation and amendments to the proposals, in response to a re-consultation carried out on the application. For the avoidance of doubt, the full range of comments made by PSP in relation to the proposals are not repeated in this response and should be referenced in the determination of the application.

The following comments have regard to the most up to date Development Plan policies (set out in Future Wales and the Swansea Local Development Plan (LDP)), and the latest national planning policy and relevant SPG.

Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate.

Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional Green Infrastructure (GI) is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- all proposals should adhere to key placemaking principles and development criteria, to
- ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network,
- having regard to the extent, quality and connectivity of the GI resource

Placemaking Guidance for residential development SPG provides important guidance on the key placemaking objectives and design principles that the development should comply with.

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

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Have regard to the above placemaking policy framework, and the aligned biodiversity enhancement requirements, the following points are made:

Green Infrastructure

- In order to comply with the relevant planning policy in relation to GI (including Future Wales, PPW11 and LDP Policy ER 2) the LPA must ultimately be satisfied that multifunctional GI is proposed to be integrated into the design and layout of the development at all relevant scales, in this case this relates to plot/street/landscape scales. Previous comments have set out in detail the relevant policy requirements, and provided recommendations on how the proposal can demonstrate alignment with the requirements. Not all recommendations have been incorporated however changes to the scheme in respect of GI provision have been made and are acknowledged.
- Amendments have been made by the applicant to specific plans in relation to GI details. A GI Assessment was submitted in 2019, with revisions made in July 2021. The recent submission (Rev D updated 07/01/2) is noted, which includes response to ECIA, Reptile Survey and Tree Survey. The document provides additional information about the constraints of the site and how the proposal seeks to respond to this, but stops short of setting out GI strategy for each scale of the site. The LPA will therefore have to review the combination of documents submitted to conclude whether multifunctional GI is proposed to be provided in an acceptable manner at all scales, in line with policy requirements.
- The current site plan layout ref MM does bring more GI into street level than previous iterations. The GI features include verges, planted buildouts, grass reinforced parking space and street trees. This approach brings planting into the heart of the scheme which has the potential to benefit well being and increase ecological enhancement and surface permeability. There are however potential issues with the practical delivery/acceptability of certain GI elements as set out below.
- The GI is focussed at a number of areas of the site. A key area is the site entrance where the frontage parking to one side is now proposed to be offset by a tree planting verge opposite. The southern gateway area has been amended from previous layouts to have an active frontage which is achieved by locating parking behind plots 51-55 in a rear parking court. This approach is welcomed. The southern cul de sac is also now softened by a GI verge with tree planting.
- It is important that all new trees proposed are sited in appropriate, safe locations having regard to comments received from relevant departments including landscape and highways officers.
- GI is also concentrated at the active travel junction by the proposed flats. This aids legibility for active travel and ensures GI has a high profile.
- The parking court has some soft landscaping proposed however it is at a minimal level and should be improved. Such improvement could be achieved by planting at the entrance to the courtyard. In addition GI could be brought more into the area if the wall at the west end to the basin were changed to a post and rail fence to open up the proposed native hedge.

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- The northern and north western cul-de-sacs have little GI. Furthermore, it seems likely that the tree buildout opposite plot 8 cannot be accommodated due to parking manoeuvres. It is assumed that the areas of planting at the entrance to north western cul- de-sac are to be conveyed to the relevant adjoining plots but this should be clarified.
- The purpose of the GI area opposite plots 21-23 is unclear and should be clarified. The GI relates awkwardly to a pedestrian route through it that terminates at the proposed fence.
- Where there are areas of frontage parking it is not clear what planting is proposed to break these areas up – indicated by green strips on the masterplan. Hedges with suitable timber bollards could provide protection from additional cars being parked on the planting areas. Clarity should be provided regarding the details proposals.
- The Council's adopted Trees, Hedgerows and Woodland SPG was adopted in October 2021. Any trees proposed to be lost will trigger the Tree Replacement Standard requirements.

Active Travel and Street layout

- The active route is now shown as a continuous 3m width which is suitable for shared use.
- This amendment is welcomed.
- The primary street through the site has an irregular design with a kink prior to the turn into the parking area for plots 28-32. The Highways Authority will need to provide comments on its suitability in terms of highway safety.
- Clarity is sought as to the nature of the indicated shared spaces – including materials and whether any segregation is proposed to be indicated between vehicle and pedestrian using materials or surface treatments

Flats

- The flat elevations have been amended to reflect discussions between the LPA and the applicant on other Hygrove developments. The unnecessary elevation details have been removed and they now have a more contemporary appearance with French doors to ground floor living rooms and balconies to upper floors all facing south. The changes have improved the design. The Council's adopted Placemaking Guidance for Residential Developments SPG makes clear that, where balconies are proposed for first floor flats rather than separate garden spaces being provided, these should be useable outdoor spaces. The SPG states that such balconies should be 3m² for 1 person or 2 person dwellings plus 1m² per additional person and should be organised to be a useable space for sitting around a table with a width of 1.0 - 1.5m. Sufficient information/evidence should be provided by the applicant to justify why only Juliette style balconies are being provided and why useable balcony areas cannot be provided in line with the requirements of the SPG.
- The ground floor flats have only small external terraces. The likely oppressive feel that would be created by the reduced size and arrangement of these private outdoor amenity spaces – particularly having regard to the living conditions for occupants of the flat in the south west corner – would be compounded by the proposed use of close board fencing and brick wall as boundary treatments.

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- These are poor outlooks from the main habitable rooms of these flats and revisions are required to this aspect. Outlooks should be suitably open onto reasonable sized garden/terrace areas and ideally outward to the proposed hedge boundary to the south.
- The proposed bin stores for the flats shown adjacent to parking space 38 would likely be incongruous in the streetscene, and this needs to be addressed. A suitable relocation area may need to be found.

Parking

- The proposed parking court is acceptable in principle, however its design should be consistent with guidance set out in the adopted Placemaking for Residential Developments SPG. In particular, the issues of GI provision and security of the area are important. Comments relating to the extent of landscaping proposed are set out above. The area is overlooked to a degree by plot 43. However greater supervision and enhanced levels of security would be achieved by adding habitable room side windows to plot 50.
- The parking arrangements for plots 45-48 are awkward, arranged around the turning head at multiple points. The spaces also appear tightly arranged with little room for circulation around spaces. Highways Authority will need to provide comments on its suitability in terms of highway safety
- The parking arrangements for the flats arranged around a bend appears unconventional and is not a preferred arrangement having regard to the impact on the streetscene. The area available for parking in this area away from key frontages is very restricted. The Highways Authority will need to provide comments on the suitability for the proposed parking in this area in terms of highway safety.
- Areas of frontage parking across the site, in particular the shared space areas, must be broken up with suitable planting (see GI comments above).
- Due to the proposed layout there are very few opportunities for convenient, on-street parking for residents or visitors, due in large part to the amounts of frontage parking throughout.
- PPW is clear that a design-led approach to the provision of car parking must be taken and must not appear to dominate a development and streetscene, or inconvenience people walking and cycling. These are the key tests for the proposed parking provision.

Site layout, density and amenity.

- The adopted Placemaking Guidance for Residential Developments SPG has increased the expected back to side separation from 12m to 15m. The proposed site layout shows 12m back to side separation in two areas. The acceptability of this should be considered on balance, having regard to the merits of the whole scheme.
- There remain plots with irregular shaped gardens – see for example plots 25. This can be a particular concern for north facing properties. The impact and acceptability of this will need to be decided on balance having regard to the merits of the whole scheme.

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- The applicant has maintained that all useable garden areas are the same size (or larger) than the ground floor footprint of the relevant dwellings, which is a requirement of the Placemaking Guidance for Residential Developments SPG. This needs to be checked as there are a number of gardens that do appear relatively undersized. This includes plots 41 and 17.
- The adopted Placemaking Guidance for Residential Developments SPG makes clear that private gardens should take into account orientation and overhanging trees. It emphasises that, in addition to providing adequate space, it is important to ensure that outdoor amenity provision is useable (i.e. provide adequate space for, sitting, outdoor dining, garden items (sheds etc) plus sufficient space for potential rear extensions or future conservatories.
- In terms of overall density, having regard to the proposed number of houses on the site and the small proportion of homes proposed to be flats, the number of dwellings per hectare for this site is high and there does remain areas of the proposed development that do appear cramped, particularly having regard to garden sizes/configurations and proposed parking arrangements in the areas highlighted.

Affordable Housing

- The location and tenure of proposed affordable homes are not clear. Affordable provision that meets the relevant need in this area (in accordance with comments provided by the Housing Dept) should be provided. This is subject to any up to date financial viability analysis being provided for review by the LPA.
- Affordable homes will be required to meet the latest WDQR

standards Planning Obligations and Financial Viability

- Any necessary planning obligations will need to be provided as required by policy and legislation. It is noted that contributions are sought from the Council's Education and Parks Departments. Having regard to financial viability issues, if the planning obligations sought are proposed not to be provided (including the necessary affordable homes), an updated viability assessment will need to be submitted for review by the LPA based on the updated scheme now being proposed.
- Ultimately and notwithstanding any financial imperatives, having regard to planning policies and legislation the scheme proposed must ultimately represent a sustainable form of development and deliver a balanced community, and must not give rise to any unacceptable impacts on existing infrastructure or facilities.

Local Highways Authority:

"Objection

Background

The site is for 60 residential units, to be accessed through an extension of Llys Morfydd. The development will bring the total number of properties accessed through Tidal Reach Street to 95 units.

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Works to construct a box culvert to allow the construction of the access was given permission under 2016/3542/FUL. This will need to be fully implemented in order to access the site.

A Pre Application consultation has been carried out and Highway response referenced in the PAC report.

Trip Generation

Planning permission 2011/0758 was granted for the construction of 35 dwellings, A Transport Statement accompanying this application, assessed the effect of 60 private dwellings and concluded that the maximum derived trips would have no material impact on the operation of the Tidal Reach junction.

The revised application has reassessed the total traffic generated, and concludes that due to the revised mix of dwelling types and sizes a worst case of an additional 9 vehicles over the previous position.

The total impact of phases 3 and 4 is therefore not thought to be detrimental to the operation of the access junction.

Internal Layout

The main spine road, through the site is 5.5m carriageway with 1.8m footways either side. This part of the Highway could be adopted. Further into the site properties are accessed via a shared surface road, these are generally not appropriate for adoption.

The area serving plots 61 to 68 appears to be a shared drive arrangement with a pedestrian right of way through to the rear of the site more clarity is required on what this area is intended to be / function.

Car Parking

The applicant has submitted a request to relax the parking standards, and has submitted a sustainability matrix in support, this has been checked and the matrix applied correctly, the level of parking provision is acceptable.

Updated Comments:

Previous comments have been provided on the application which are reproduced below:

'The masterplan has been resubmitted, with alterations to the position of the apartment block 42. This has resulted in modifications to driveway positions and active travel route. A revised masterplan has been received drawing 471-1110 rev 11, together with revised vehicle tracking details 471-1115 rev K.

The swept path analysis has been re-run with a Phoenix 2-Duo refuse lorry, and shows the site to be accessible, and that a car and refuse lorry are able to pass.

The layout remains tight in places, however forward visibility is acceptable and it is thought that the arrangement shown can be made to work, the parking arrangement around the turning heads will prevent the majority of on street parking and would act to keep the turning heads free of indiscriminately parked vehicles.

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This with the exception of the revised turning head adjacent to plot 44, this would require some protection in the form of TROs to ensure it is not blocked by parked vehicles.

The position of the apartment block has resulted in the carriageway to the East of the site which links to the active travel route, being reduced to 4.8m in width. Whilst the design of frontage parking will assist in making the full width of carriageway available at all times, it should be noted that perpendicular driveways require a minimum of 6m width to allow for vehicle swing to enter or leave.

The arrangement shown will result in difficulties for residents, the driveways could be widened to allow for vehicle swing, alternatively the 1.8m footway shown in front of the apartments could be rerouted to provide the additional required width in front of the parking spaces for 42c-42f.

Previous comments regarding the development access and retaining structures still apply.'

A revised masterplan has been submitted drawing number 471-1110 revision MM.

The primary difference between this and previous versions is the inclusion of build outs within the carriageway, and the provision of planted verges.

It is noted that these have been included in response to comments regarding the provision of GI at street level, however they do appear to make an already narrow layout narrower.

The Highway Authority has serious concerns over the approach undertaken, previously submitted swept path analysis showed that the layout was just able to operate satisfactorily, however the further narrowing of carriageway would appear to compromise the ability of the highway to function safely. It is unlikely such a layout would be considered adoptable.

It is unlikely 2 way swept paths could be maintained, and the presence of any vehicle parked on the carriageway has the potential to prevent service access.

Any development layout should provide highway which is built to an adoptable standard, this includes:

Functionality – Can the layout cater for expected daily use, submitted SPA does suggest a refuse lorry requires all of the available highway space to negotiate the development. It is also unclear where any street lighting apparatus could be installed.

Safety – There appears to be planting within junction visibility splays, and insufficient forward visibility to allow drivers to negotiate bends, and the proposed horizontal features safely.

Maintainability – Some of the remaining highway area are considered so narrow that any maintenance would necessitate a complete road closure.

Legislation and Guidance – How does the revised layout comply with the requirements of the Equalities Act? Pedestrian wayfinding is compromised by the provision of buildouts and verges. How does a pedestrian, particularly anyone with a visual impairment navigate from the shared use path to the properties on the other side of the carriageway?

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As it stands the Highway Authority would recommend the application is refused.”

Pollution Control:

Can the following conditions and informatives be added to this application: Condition 1

Phase 1 report: Desk Top Study

This shall:

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

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

Phase 2: Detailed

Investigation this shall:

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

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

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

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

Phase 3: Remediation Strategy Options

Appraisal this shall:

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

Phase 3: Validation/verification Report

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

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

http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW_Guide_for_Developers_re_v_2012.pdf

Development of Land Affected by Contamination: A Guide for Developers

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Condition 2 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 with in writing by the LPA.

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

Advisory: http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf
Requirements for the Chemical Testing of Imported Materials for Various End Uses

Condition 3

If during development, contamination is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until details of a mitigation scheme relating to this unsuspected contamination has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full.

Informatives

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 unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60.

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.

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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 local residences from on site lighting.

In the Terrafirma report January 2019, some of Condition 1 has been covered, and therefore this condition can be partially discharged on receipt of the follow additional information:

Phase 1 - There is no conceptual site model (drawing) as mentioned in 3.2

Phase 2 – Can we request confirmation on the reasoning behind sample protocol i.e. the number of soil samples and gas samples taken and Standards worked to for the gas sampling.

Phase 3 – The remediation strategy should be detailed and submitted as a new document, not recommendations within the Phase 1&2 report.

Phase 3 – Validation/verification Report can only be submitted and discharged at the end of the project.

I have attached the developers guide to assist with Condition 1.

Parks:

Since previous comments provided requesting a contribution for play equipment at Coed Bach Park, we now have a Zip Wire installed, a climbing frame installed, Cllr Downing has been awarded £40,000 from the ERF fund for fitness equipment and we have also secured £100,000 to upgrade the playground which is due to start shortly. No contribution is therefore required for off-site equipment.

Contribution requested for maintenance of open space within the site required to be adopted but further detail needed to calculate amount.

Ecology:

“Relevant documents received:

Environmental Impact Assessment Report (Wildwood Ecology, Dec 2018)

Breeding/nesting birds

As suitable habitat exists on site for nesting birds, please include the following informative:

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

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- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Take or destroy an egg of any wild bird
- Disturb dependent young (schedule 1 birds)

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to August

Reptiles

The surveys established that medium breeding population of both slow worm and common lizard are present on the development site. Please note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

With regards to reptiles:

- The mitigation measures outlined in Table 11 of Appendix V of the EIA must be adhered to.
- Pre-construction checks for any species are required.
- Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).
- The off-site receptor site for translocated animals must be agreed with the LPA Ecologist.
- A reptile management plan for at least 5 years is required, with an annual monitoring report submitted to the LPA.

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, the following Informative must be added to any permission granted:

‘To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.’

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Other European Protected Species:

Pre-construction checks must be undertaken for badger and otter. All trenches and excavations must be fenced off or covered-over at night to prevent any otters (or other animals) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped otters (and other wildlife) each morning before starting construction activities. This should be included as a statement in the CEMP.

In addition, please include the following informative:

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).

Badgers are protected under the Protection of Badgers Act 1992. It is an offence to willfully 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 evidence of any protected species is encountered e.g. live or dead animals, droppings or their resting or breeding places, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

SUDS

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. Although this application was received before this date, and the submitted Drainage Strategy (Ateb Consult, Dec 2018) is noted, it is advised that reference is made to the draft Swansea Council LDP. In particular:

RP 3: 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.
- Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for flood plain capacity.
- 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.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

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See also RP 1: SAFEGUARDING PUBLIC HEALTH AND NATURAL RESOURCES. Further details with Matters Arising Changes (MACS) schedule can be found at: <https://www.swansea.gov.uk/ldp>

CEMP

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

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding the adjacent SINCS and water bodies eg ponds), for the construction and operational phase of the development.

Condition:

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

Reason

Prevent pollution of controlled waters and the wider environment.

Further Comments:

OUTCOME OF ECOLOGICAL INVESTIGATION

Please see all previous comments submitted on 31/1/19 and additional comments on 12/2/2019 and 14/9/2021.

With reference to the documents submitted in Jan 2022, the following comments

apply: Ecological Enhancements

I acknowledge receipt of the Phase 4 Boundary and Biodiversity enhancement drawing reference 471-1305 DPS Architecture.

However, there is still some discrepancy between what is shown on the drawing and what is stated in section 3.7 of the GI Assessment. This needs clarification.

The actual ecological enhancements shall consist of:

- 5 x 25mm opening bird boxes erected in suitable on site trees
- 15 x integrated bird boxes/bricks on dwellings – suitable for a range of species to include swift bricks
- 2 x open bird boxes erected on buildings
- 5 x bat boxes erected on suitable on site trees
- Integrated bat tubes on 10% (6) of the properties

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Therefore, the Biodiversity enhancement plan drawing shall be amended and re-submitted to reflect the above. Details of the type of bat tube/boxes and bird boxes are required.

Landscaping/GI

With reference to my previous comments, native trees, shrubs and wildflowers should be planted as part of the landscape scheme. The proposed species must be of local or at least Welsh provenance. Landscape Plan Rev G, Feb 2021 appears to be lacking in this and in a range of native plant species to attract pollinators. Section 5.10 of the EIA also states that any new planting on site will utilise native species of local provenance.

Sections 3.4 and 3.5 of the GI Strategy Assessment Report (20/7/21) states that four wildlife gardens will be created and planted with low level shrubs and nectar mix eg AB1.

The newly submitted GI Assessment section 3.4 now states that two wildflower gardens will be created near the western entrance to the site.

However, the TDA drawing ref TDA 2655.01 (B) Detailed Landscaping proposals only shows one area of wildflower planting and no clear indication still of the previously proposed wildlife gardens.

Therefore, again, further clarification is required of the soft landscaping proposals with particular reference to native species of local province and benefits to pollinators. The documents shall be amended and re-submitted.

Condition:

Pre-construction/site clearance checks for bats, nesting birds, otter, badger and reptiles and any other protected species shall be undertaken by a suitably qualified ecologist/Ecological Clerk of Works (including of any trees destined for felling).

Reptiles

Previous surveys concluded that a medium population of reptile species was located on site.

I acknowledge receipt of the Wildwood Ecology Reptile Mitigation Strategy report – doc ref WW EZ 1094 RMS Rev B Final 7/1/22. This now contains the previously requested report on habitat suitability of the receptor site at Waungron Marsh SINC.

Due to the suspected population size of on-site reptiles, I advise that at least 2 other hibernacula are required to be built on the receptor site, to enhance the habitat for translocated reptiles.

Condition:

The reptile mitigation and translocation shall be undertaken and implemented as per details contained within the Wildwood Ecology Reptile Mitigation Strategy report – doc ref WW EZ 1094 RMS Rev B Final 7/1/22. Should significantly different numbers of reptiles or different species be found during the translocation exercise than the expected medium population, an amended mitigation strategy shall be agreed with the LPA.

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Condition:

Prior to works commencing on site (including site clearance), an amended plan showing the locations and specifications of the proposed receptor site enhancements: three hibernacula and three log/brush piles, shall be submitted to the LPA for approval.

Condition:

A post-translocation report shall be submitted to the LPA detailing the numbers and species of reptiles moved. In addition, monitoring reports shall be submitted to the LPA following presence/absence surveys in years 1 and 3 post-completion. The monitoring reports shall also report on the condition of the habitat at the receptor areas.

Trees

The ArbTS Tree Impact Plan ref 562.12 highlights all tree surgery work to be undertaken. However, we have no information on whether any of these trees are suitable for bats. Therefore, the following condition applies;

Condition:

Prior to commencement of any work to on-site trees, a Bat Tree Roost Potential Survey shall be undertaken by a suitably qualified ecologist. The report shall be submitted to the LPA for approval.

Invasive non – native species

Himalayan balsam and Japanese knotweed were present in high densities across the reptile receptor site within the scrub and tall ruderal habitats. It is recommended that these species are managed to prevent further spread.

Condition:

An Invasive Species Management Plan shall be submitted to the LPA for approval prior to determination and prior to commencement of any vegetation clearance or reptile translocation.

Lighting strategy

Condition:

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site are not lit during the operation phases of the development shall be submitted to the LPA for approval. The strategy shall outline avoidance of impacts of lighting on bats and other nocturnal species. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with low level light levels only between 2700-3000 kelvin)."

Trees:

"The changes to the layout give better separation to the retained trees; however, the Master Plan shows a boundary wall that will remove one category B tree and affect other retained trees. The AIA has not identified this conflict.

A solution would be to have a boundary fence in this area and to give some distance between it and the stem of the category B tree."

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Drainage:

“Based on the details submitted we would recommend that the following be appended to any permissions given.

Condition 1

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason.

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

Informatives.

Significant change to drainage requirements will impact new developments from January 2019.

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more 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 in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010. 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.

Watercourses

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.”

Housing:

“In response to the planning consultation for 2018/2629/FUL Land Off Coed Bach Road Pontarddulais please refer to my previous comment below dated the 19th August 2021; further discussions/viability evidence is required if this cannot be achieved:

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The site is within the Pontardulais Ward, which falls within the Greater North West Strategic Housing Policy Zone. I can confirm that the Housing Service require the provision of 15% affordable housing onsite in line with LDP proposals.

This scheme is for 56 units [now 55], therefore the onsite affordable housing provision should be a minimum of 8 affordable homes. The submitted site layout has a provision of 6 x 2 bedroom apartments, therefore there is a shortfall in onsite provision. The affordable housing units need to be DQR compliant, the submitted flat layout does not meet DQR standard. Social rented tenure is the highest need across Swansea, if affordable apartments are to be included we ask for them to be 1 bedroom walk-up type, as this would meet social rented tenure affordable need. I have discussed this with the Registered Social Landlord to whom these units will be transferred to and they confirmed that 1 bedroom social rented flats would meet affordable need.

An onsite provision of 8 affordable units is the LDP policy compliant figure, a breakdown of 4 x 1 bedroom walk up flats and 2 x 2 bedroom houses and 2 x 3 bedroom houses would be the most sustainable mix for this site. Further discussions will be required regarding affordable provision if this unit mix is not viable.

Affordable housing should be integrated into the overall development and should not be obviously segregated through location, layout or design. The affordable units are to be transferred to a Registered Social Landlord/Council.”

Education:

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

1. Planning Application: 2018/2629/FUL – Land off Coed Bach Road, Pontarddulais, Swansea SA4 8RB. Construction of 60 dwellings, comprising of 4 detached, 32 pairs of semi-detached dwellings and 24 linked dwellings with associated infrastructure. (36 x 2 bed houses, 20 x 3 bed houses and 4 x 4 bed houses).
2. Catchment Schools, capacity and projected capacity

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

	Catchment schools	Number of unfilled places September 2021	%
English Medium Primary	Pontarddulais Primary	22	5.67%
English Medium Secondary	Pontarddulais Comprehensive	3	0.36%
Welsh Medium Primary	YGG Bryniago	55	24.77%
Welsh Medium Secondary	YG Gwyr	158	12.41%

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3. Demountables

3.1 There is 1 single and 3 double demountables in YG Gwyr.

4. SPG Pupil Generation:

Pontarddulais Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 25.51%			25.51 %		74.49%	
Primary	15.5	240,392.00	4	60,400.00	12	181,200.00
Secondary	11	260,713.60	3	69,216.00	8	184,576.00
Post 16 provision	2	51,022.68	1	24,768.00	2	49,536.00
Total	27.5	552,127.68	8	154,384.00	22	415,312.00

5. Existing Commitments

School	Pupil numbers	PA number	PA – Description
Pontarddulais Primary			
	5	2018/1932	Land at The Yard, Cambrian Place,
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	4	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	7	2011/0758	Land to the West of Parc Y
			Pontarddulais SA4 8QX (Blaenmorfa)
	17		
YGG Bryniago			
	0	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	7	2009/1435 & 2017/1342 & 2020/0434	Land to side of 28 Christopher Rise, Pontlliw (The Poplars)
	2	2018/1932	Land at The Yard, Cambrian Place,
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais

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	2	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	12		
Pontarddulais Comprehensiv			
	35	2011/0345 & 2021/1495	Land North of Llewellyn Road, Penllergaer
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	3	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	4	2018/1932	Land at The Yard, Cambrian Place,
	9	2018/2720/FUL	Land at Tyrisha Farm, Grovesend, Swansea SA4
	18	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	70		
YG Gwyr			
	2	2009/1900	Former Walkers Crisp Factory
	4	2011/0345 & 2021/1495	Land North of Llewellyn Road, Penllergaer
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	2	2014/1192	Hendrefoilan Student Village
	1	2014/1201 and 2020/0661	Land either side of Goole Road, Ravenhill.
	1	2016/3619	Land at Ffordd yr Afon
	2	2017/0986	Former Council offices, Penllergaer.
	1	2017/1948	Land Off Summerland Lane, Newton
	1	2017/2709	Land off George Manning Way, Gowerton
	1	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	1	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	1	2018/2580/FUL	Land off Pennard Road, Pennard,
	3	2018/2629/FUL	Land off Coed Bach Road
	1	2018/2634/FUL	Land off Higher Lane, Thistleboon,
	1	2018/2698/FUL	Townhill Campus, Townhill Road, Cockett
	1	2018/2720/FUL	Land at Tyrisha Farm, Grovesend, Swansea SA4

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	4	2019/0911/S73	Land West of Gower View Road & North of Brynafon Road, Penyrheol
	2	2020/0343/FUL	Land North of Chestnut Avenue, West Cross, Swansea
	5	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	1	2020/2357/FUL	Pencefnarda Farm, Pencefnarda Road, Gorseinon, Swansea SA4 4FY
	4	2021/1820/FUL	Land to the South West of Beili Glas Farm, Loughor,
	2	2022/0249/FUL	Land Formerly Part Of Olchfa School Aneurin Way Sketty Swansea SA2 7AA,
total	42		

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Pontarddulais Primary	800	248
Pontarddulais Comprehensive	3290	723.8
YGG Bryniago	% of above and other developments	
YG Gwyr	% of above and other developments	

7. Position of capacity:

7.1 Primary:

7.1.1. English-medium: the EM primary school (Pontarddulais Primary) currently has 22 surplus spaces (5.67%). However, with the 17 pupils generated from the planning applications above the school will only have 5 surplus spaces which is well below 10% surplus capacity required to allow the school flexibility.

7.1.2. Welsh-medium: the WM primary school (YGG Bryniago) currently has 55 surplus pupil places (24.77%).

7.2. Secondary:

7.2.1. English-medium: the EM secondary school (Pontarddulais Comprehensive) currently has 3 surplus pupil places (0.36%), which is well below 10% surplus capacity required to allow the school flexibility.

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7.2.2. Welsh-medium: the WM secondary school (YG Gwyr) currently has 158 surplus spaces (12.41%).

8. Requested Contribution:

8.1.1. Primary: A full developers contribution of £181,200.00 plus indexation is requested for the EM primary school (Pontarddulais). No contribution is being requested for WM primary school (Bryniago) due to the current surplus capacity in that school.

8.1.2. Secondary: The full contribution of £184,576.00 plus indexation is requested for the EM secondary school (Pontarddulais Comprehensive). No contribution is requested for the WM secondary school (YG Gwyr).

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.

Waste:

“In response to the planning consultation for 2018/2629/FUL, there appears to be insufficient access for 26T refuse and recycling collection vehicles without the need for vehicles to mount kerbs and pavements.

The developer has not stated if any parking control measures are proposed to ensure access is maintained.”

Landscaping:

No comments received to date to amended plans.

Public Rights of Way:

“Public footpath Llchwyr 10 (LC10) is very close to this site and may be directly affected.

We would also like to see a link through to Glowg Y Llanw.”

Invasive Species:

“Planning condition CL12 must be placed upon this application.

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

Reason - In the interests of the ecology and amenity of the area

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In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.

Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

It is an offence under section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II (see page 2)."

Natural Resources Wales (NRW):

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

Condition: Prior to the commencement of works at the site the applicant will submit a Construction Environmental Management Plan (CEMP) to the satisfaction of your Authority.

Flood Risk

We note the submission of the document titled; 'Proposed Housing Development at Pontardulais – Phase IV: Supplementary letter in association with the previously issued FCA (Rev. C)', dated June 2020, by DPS Architecture Ltd.

Having reviewed the above document, we note that additions have been made to the report, following our most recent response of: 21 May 2020. With regards to the area at the south of the site, we wish to take this opportunity to state that the NRW flood maps do not include an error, as suggested in the document.

Rather, as explained in our previous response, the encroachment shown on the Development Advice Map (DAM) and NRW flood map is due to the resolution of the model at this location; the purpose of the DAM and NRW flood map is to provide an indication of flood risk.

We also note that the red-line boundary of the site has been amended to remove the area that was previously shown to be within Zone C1, at the north of the site. Therefore, we are satisfied that this measure addresses our concerns with regards to flood risk at this part of the site.

The supplementary letter (mentioned above) continues to refer to the Flood Consequence Assessment (FCA) produced by Ateb Consult in October 2018, and the Flood Study work submitted by WS Atkins Ltd in 2011, for an adjacent site.

Both these documents are now out of date. As you will be aware, NRW have previously provided comments on the FCA in our responses of: 24th January 2019, 7th February 2019 and 21st May 2020. If these documents are being referred to as part of a planning application, it would be for your Authority to determine whether they should be updated or superseded by a new document.

Matters in relation to access/egress are the responsibility of the Local Planning Authority (LPA).

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Therefore, it would be for you to determine, in liaison with other risk management partners, that any flooding to access routes is acceptable, and that the safety of residents/occupiers can be assured during a flood event.

Pollution Prevention

We advise that a detailed Construction Environmental Management Plan (CEMP), should be conditioned as part of any planning permission that your Authority may be minded to grant. This should include site-specific measures, which will be put in place to prevent pollution to the surrounding land & water environments.

Particular consideration and detail need to be provided in relation to how surface water will be managed, both during and post-construction to ensure that no pollution can enter the nearby watercourses.

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

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffer zones, relevant protection measures (e.g. fencing, etc).
- Biodiversity Management: tree and hedgerow protection, invasive species management and any mitigation measures.
- Soil management, topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- Control of Nuisances: restrictions on timing / duration / frequency of works, (e.g. noise / vibration from piling activities, acoustic barriers, dust control measures, control of light spill).
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

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

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

Ecology and Protected Species

We note the submission of the document entitled;

- 'Ecological Impact Assessment Report: Land off Coed Bach Road, Pontarddulais (Ref: WWE18150 PEA REV C)', dated 24/10/2019, by Wildwood Ecology Ltd.

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Bats

In addition to the above Ecological Impact Assessment, we have also reviewed the 'Aerial Tree Survey' report, dated 24 January 2019, by Wildwood Ecology Limited. The report states that, only two trees, had features which were identified as being of 'low' suitability for roosting bats, and neither contained features which required aerial surveys. Therefore, we support the proposal that should either of these two trees need to be removed then 'soft felling' techniques, as outlined in best practice guidelines should be followed.

Dormouse

Additional clarification in relation to dormouse, was previously provided in the email from Alex Pollard (Wildwood Ecology), dated 4 December 2018. Scrub at the site was confirmed as being mostly treated Japanese Knotweed, with the surrounding connecting habitat being less than agreed in terms of being viable for population survival.

We also note proposal to implement a precautionary approach, in relation to the retained boundary features, and any remaining non-treated vegetation to be removed using best practice methods, under supervision.

Finally, we draw your Authority's attention to the recommendation laid down in Section 5.8 (Table 11) and Sections 5.9 to 5.12 of the document entitled; 'Ecological Impact Assessment Report: Land off Coed Bach Road, Pontarddulais (Ref: WWE18150 PEA REV C)', dated 24/10/2019, by Wildwood Ecology Ltd.

We advise that you discuss these proposals with your Authority's Planning Ecologist, as they may wish to make additional comments on other habitats and species, which lie within their remit.

Tree Survey

We also note the submission of the document entitled; 'Arboricultural Report (including: Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment)', dated 14 November 2019, by Arboricultural Technical Services Ltd.

Section 5 of the report, states that: Tree ID#T526, along with a number of tree groups (Tree ID #A1 / Tree ID #G2 / Tree ID #G3 and Tree ID #G7) are to be lost as part of the development. As previously mentioned, we are supportive of the proposal to employ 'soft felling' techniques for any trees identified as having 'low' bat-use potential, in line with best practice guidelines.

Protected Sites

The development site includes is adjacent to watercourses, which are hydrologically connected to the Burry Inlet and Loughor Estuary (SSSI), which is part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC).

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the Local Authority, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

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Therefore, your Authority must satisfy itself that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary, undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

Land Contamination

We note the submission of the document entitled; 'Phase 4 Residential Development, Land off Coed Bach Road, Pontarddulais, Swansea (Job No. 15100)', dated December 2018, by Terra Firma Ltd.

We consider that the controlled waters at this site are not of the highest environmental sensitivity, and therefore we will not be providing detailed site-specific advice, or comments with regards to land contamination issues for this site.

Nevertheless, we recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

Please note; these comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site then your Authority may wish to re-consult Natural Resources Wales.

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."

Updated Comments:

"The updated flood map does show changes to the flood risk at the site, which reflect climate change being included in the updated map, however, our opinion is that the submitted FCA adequately demonstrates the flood risk to the site so we would have nothing to add to our previous comments regarding flood risk."

Dwr Cymru Welsh Water (DCWW):

"Sewrage:

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

By response we offered no objection to the discharge of foul flows from the proposed development into the public sewerage system albeit advised that we would not consider a connection for surface water flows. As part of this planning application (Ref: 2018/2629/FUL), we acknowledge receipt of a Flood Consequence Assessment (FCA) Report (Ref: 17/058) which is the same as the pre-application submission and indicates proposals to dispose surface water flows from the development to the sewers with no attenuation measures.

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This is at odds with the application form which indicates disposal to an existing watercourse and, as previous, we remind that the developer is required to explore and fully exhaust all technical options in accordance with the hierarchical approach in liaison with the Land Drainage Authority and/or Natural Resources Wales.

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

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). 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.

Sewage Treatment:

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply:

Dwr Cymru Welsh Water has no objection to the proposed development.”

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Coal Authority:

“The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

As you are aware, the application site falls within the defined Development High Risk Area; the Coal Authority’s information suggests that coal seams outcrop across the site which may have been worked at shallow depth in the past.

We note that an email dated 7 February 2019 from Michael Watkins of the applicant’s technical consultants Terra Firma has been received by the LPA. Mr Watkins is seeking to address the Coal Authority’s continued objection to the application and provides further reasoning why Terra Firma conclude that the site is not affected by shallow mine workings.

The latest information has now been reviewed by my colleague in our Mining Information Team. Despite this additional information, the Coal Authority remains of the view that there exists the possibility that unrecorded workings could be present beneath the application site which could potentially pose a risk to development proposals. We maintain the view that the information presented to date does not definitively demonstrate that the site is safe and stable for the proposed development.

Should the LPA be minded to grant planning permission, the only way to overcome the Coal Authority’s objection and to address our concerns would be through the imposition of a pre-commencement condition requiring further works to establish the exact situation regarding shallow coal mining legacy at the application site and to inform any necessary remedial measures.

Should the LPA wish to move to determination of the application, the Coal Authority would recommend that the condition should require the following, prior to the commencement of development:

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and
- The implementation of those remedial works.

The intrusive site investigations and any remedial measures should be designed by a competent person and must be agreed with the Coal Authority’s Permitting Team as part of a permit application.”

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Pontarddulais Town Council:

“The Council wishes to object to the above planning application. Pontarddulais's infrastructure is already under pressure and any further large scale development will further exacerbate the situation. The existing surgery is at capacity as are the local schools. The existing one way system through the town is struggling to cope with the traffic flow through the town and the additional vehicle numbers created by further development will pose additional highway problems.”

Neighbour comments:

The development was advertised on site with two notices and the application was also advertised in the Press on the 7th January 2019. 22 residents on Blaenmorfa, Golwg y Llanw, Glasfryn Road, Coed Bach and Trinity Place were also consulted on 21st December 2018.

13 letters of objection have been received from residents and a representative of Sustrans (walking/ cycling charity) which are summarised as follows:

- Loss of nature/ trees on site/ biodiversity impacts
- Pontarddulais cannot take any more housing as it is already overdeveloped – infrastructure at bursting point (schools, doctors, dentists, sewerage)
- Heavy traffic coming in and out of the site is going to be chaos (construction and operation)
- No-one wants to take ownership of the stream – it needs to be cleaned and residents may dump rubbish in it
- Stress / noise during the construction period for neighbours – impact on quality of life
- Area has lost its village feel due to population increase
- Previous phases have taken several years and still have not been completed – slow pace of development
- Pavements and roads are in a dangerous condition – concerned for safety of residents
- Incidents with drains on previous phases – accidents occurred
- Detrimental impact on nature/ site biodiversity
- Site contains boggy ground
- Disturbance to residents in terms of dust noise/ lorries an issue
- Field is nice and peaceful
- Plans show Coed Bach Road is the access - surely this cannot be the case. Coed Bach Road is a small busy road
- Are CCS intent on covering all of the open spaces in Pontarddulais in concrete – other large developments nearby planned or under construction.
- M4 junction at Hendy requires urgent work
- Rats will be a problem when they clear the site
- Tidal Reach is unfinished – raised manholes are present, the surface is poor and pavements are unfinished making for an unsafe environment for pedestrians and motorists. This should be reviewed by the Highways Authority.

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Sustrans:

“Sustrans objects to the planning proposal 2018/2629/FUL as it currently is, because it appears to be no sufficient measures for Active Travel for the site. The Active Travel (Wales) Act 2013 poses a duty on local authorities to take reasonable steps to enhance the provision made for walkers and cyclists and to have regard to the needs of walkers and cyclists, in particular with reference to the Integrated Network Map ([https://www.swansea.gov.uk/media/25624/Integrated- Network-Map/pdf/Integrated Network Map - Approved February 2018 3.pdf](https://www.swansea.gov.uk/media/25624/Integrated-Network-Map/pdf/Integrated_Network_Map_-_Approved_February_2018_3.pdf)).

Sustrans has been working with Swansea County Council and Pontarddulais local community to discuss the development of a new traffic-free path, linking the existing shared-use path on Tidal Reach with Pentre Road by running at the back of this proposed development. Suitable space for this proposed link will need to be ensured, and appropriate active travel links for residents need to be provided.

This plan is part of a wider programme that looks at linking Pontarddulais with the existing National Cycle Route 4 in Gowerton through a traffic-free path, to increase opportunities for residents and visitors to travel actively and safely between Pontarddulais and the existing walking and cycling network. Swansea CC has already committed funding to look at the feasibility for this new path, also building onto the support of the local community.

We, therefore, ask the developer to keep these plans into account and we make ourselves available to provide additional information.”

APPRAISAL

Full planning permission is sought for the construction of 55 new dwellings (including 6 flats) and associated access/ landscaping and engineering works at land off Coed Bach Road in Pontarddulais. The site is identified as white land within the urban boundary within the LDP.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the use, placemaking, impact on neighbouring amenity, highways, ecology, trees, affordable housing and infrastructure having regard to the prevailing provisions of the relevant Future Wales and LDP policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site is located on white land within the urban boundary of the LDP in a predominantly residential area between existing residential development to the north and Coed Bach Park to the south. The site therefore represents a windfall site in LDP terms and is considered acceptable subject to meeting the relevant provisions of the specific policies of the LDP which is considered further below.

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Planning Policy Wales encourages the use of previously developed land in preference to greenfield sites (3.55) where its re-use will promote sustainability and any constraints can be overcome. Historically the site was undeveloped until c. 1960 when the land appeared to be raised and a Concrete Pipe Works constructed on the site. The Works were demolished by 2012 and whilst a concrete base remains, the site has become vegetated and blended into the landscape over time so that it is reasonably considered part of the natural surroundings. It is therefore not considered that the site falls within the definition of previously developed land as contained within Planning Policy Wales.

Notwithstanding this, the principle of residential development is considered acceptable on the site.

Placemaking / Design/ Layout

Future Wales and Planning Policy Wales both place great emphasis on maximising well-being and creating sustainable places through the use of placemaking. “Placemaking” is 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. LDP Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this. This approach is supplemented through the Residential Design Guide SPG which was updated in 2021.

Officers have repeatedly raised concerns about the overall amount of development on this site from pre-application stage and the resultant impacts this has had in terms of layout issues such as the dominance of frontage parking, size and orientation of rear gardens and the proximity of dwellings to trees around the edge of the site (specifically the eastern boundary). The applicant has amended the proposals at various times in a piecemeal manner without significantly addressing core concerns of the Local Planning Authority and amendments have resulted in new issues arising.

The applicant places great weight on the 4th set of comments of the Placemaking and Heritage Officer dated July 2020 (and available in full on the application page of the Council’s website). These comments were in relation to Masterplan Revision W and there have been significant amendments to the proposal since this time. The latest Placemaking comments are now included in the Strategic Planning and Placemaking comments above and reflect the current policy situation (including the introduction of Future Wales, updated Planning Policy Wales and the adoption of the latest Placemaking SPG for residential development). The Council has also signed up the Placemaking Charter since the application was submitted.

As noted above, when the application was submitted it was originally for 60 dwellings, was then amended up to 61 dwellings, further amended to 59 dwellings and 3 further dwellings have been taken out to overcome concerns about constructing dwellings in a C1 floodplain. The current proposal is for 55 dwellings, of which, 6 would be a block of flats to provide affordable housing.

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The Placemaking and Heritage Officer originally raised several concerns with the proposal including that the proposals were considered to be overdevelopment (with a density of circa 48 dwellings per hectare; a 3m wide active travel link should be included on the plans as this is an integral link to the park; frontage parking is on both sides of the development; concerns with existing trees overhanging the eastern boundary and their relationship to existing properties; concern over small and irregular shaped gardens; overlooking; no sections/ level details; and concluded that the pre-application issues had not been addressed (when 50 dwellings were shown) and were exacerbated by the increase to 60 dwellings. The Officer did note that there were several positives including the minimum back-to-back and back-to-side distances were achieved, corner turning plots were included, the plots at the entrance provide a good gateway feature and the dwellings replicate earlier phases.

Notwithstanding the above comments, it is considered that some of the issues raised at pre-application stage and as part of the application have not been fundamentally addressed and the proposal still represents overdevelopment of the site and a poor placemaking response.

Firstly, in terms of the density of the site, whilst LDP policy SD2 isn't directly applicable to this site (it is a general masterplanning policy applicable to sites of 100 dwellings or more), it does provide a useful gauge on density as it requires development to achieve a minimum net 35 dwellings per hectare (criterion ii). It also goes on to state that higher densities should be located in the central locations along public transport routes/ focal points and a lower density on more sensitive / rural edges. This site is on the edge of the settlement of Pontarddulais and would have an interface with the surrounding rural locale to the south and Coed Bach Park. It is acknowledged that a balance has to be struck between the efficient use of land in sustainable locations, and ensuring a proposal is appropriate to its surroundings in terms of its density.

With this in mind, it is considered that the density itself, at 46 dwellings per hectare (55 dwellings in 1.2HA site), is high, is not reflective of the previous phase of the development (at circa 38 DPH) and a lower density would be expected as the development edge transitions into the rural locale. The density of the development is considered to be inappropriate but it is important to consider the resultant issues of this on the layout of the site rather than just focussing on this figure.

Policy SI 6 states that Open space provision will be sought for all residential development proposals with capacity for 10 or more units (such as this site). This will include the creation of new on-site facilities, or the improvement of existing local provision off-site, along with appropriate maintenance contributions and refers to the Fields in Trust guidance in the amplification. The Fields in Trust document "Guidance for Outdoor Sport and Play" relating to Wales provides for a quality benchmark for Local Areas for Play (LAPs), Local Equipped Areas for Play (LEAPs) and Multi-Use games Areas amongst other requirements.

A site of this scale should provide for a LAP and LEAP on site as well as a contribution towards a Multi Use Games Area. In this instance, there is no formal open space on site, albeit two small incidental area of open space either side of the flats have been proposed as pocket parks along with one on the northern side of the entrance (albeit there is no access indicated within this area). At pre-application stage, it was acknowledged that there may be scope to explore the provision of an adequate pedestrian/cycle link to the adjacent playing fields/equipped park as an alternative to onsite playspace provision. It is positive that the Active Travel route has now been detailed across the main part of the site with the provision of a 3m wide separate route across the site that is well overlooked.

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When the 3 units at the north of the site were removed (due to their location with the C1 floodplain), it was suggested that the space be provided as open space which would significantly benefit the development (providing opportunities for doorstep play) and could provide for meaningful GI/ replacement trees, however this was not progressed as the applicant may submit a separate application in the future for this parcel of land for the dwellings omitted.

The Council's Park Officer originally requested a contribution towards play provision in the adjacent park on the basis that no provision is made on site. A sum less than this was factored into the 2020 viability appraisal. However, the Parks department has subsequently confirmed that a new zip wire has been installed in the park along with a climbing frame. Allied to this, the Ward member has been awarded £40,000 from the ERF fund for fitness equipment and a further £100,000 has been secured to upgrade the playground which is due to begin shortly. On this basis, it is not considered reasonable to require a contribution for off-site play equipment in the absence of a LEAP on site. The Officer has also requested a contribution for open space maintenance but this could be covered by a condition requiring a private management company to maintain the open space within the site if not viable.

In terms of amenity and back-to-back distances within the site, the applicant has included dimensions on the plans indicating that 21m is achieved in general in a back-to back relationship which is welcomed and considered acceptable. However, the Council's current adopted SPG requires a minimum distance of 15m in a back-to-side relationship (Criterion K.30) and the current proposals have 4 properties (Plots 18 and 19 and Plots 28 and 29) that have a rear elevation facing on to a side elevation of a neighbouring property at 12m. It should be clarified that with the latter distances, it is not overlooking that is an issue but the overbearing impact of properties in close proximity, albeit that there are only 4 cases across the site. The minimum front to front distance of 10m is only breached once across the site (Plot 51 and 42), albeit Plot 51 is a corner turner plot and has windows and outlook on the rear and the impacted windows are not directly opposite each other.

The Residential Design Guide SPG (L.4) seeks to avoid forecourt parking as it requires buildings to be set back from the street which weakens the sense of enclosure and reduces natural surveillance of the public realm. Furthermore the streetscene becomes dominated by parked cars and hard surfacing and pedestrian access to front doors can be blocked. Therefore on plot parking should generally be located behind the building line. The SPG goes on to state that where forecourt parking is proposed, this should be one side of the street only in order to maintain an adequate sense of enclosure and the forecourt parking spaces should not take up more than half of the plot width and should be combined with planting and/or front boundaries to soften the visual impact of the parked cars. This approach is supported in PPW (Para 4.1.51) which states that a design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development.

The Placemaking Officer (when commenting in July 2020) considered that additional planting has successfully resulted in the level of frontage parking being considered acceptable. Notwithstanding these comments, the scheme has been amended significantly since this time and some further improvements have been made. Frontage parking on entry into the site on one side has been removed and relocated to a parking court at the rear and parking spaces are indicated as being grasscrete (or similar) to further soften the development along with additional landscaping in the frontage. Parking courts need to be convenient and overlooked and kept to a manageable size (no more than 10).

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The rear parking court is considered to be convenient but is only overlooked by one property (Plot 43) that directly faces on to the development. Notwithstanding this, additional windows in the side elevation of Plot 50 would provide improved surveillance at close quarters which could be amended via condition if the scheme was considered acceptable.

The applicant has put forward justification for a reduced amount of car parking which has been accepted by the Local Highways Authority. Despite this, frontage parking still dominates the northern spurs of the development and at the southern end, parking provision is provided around (and directly accessed off) the turning head which is considered to be a poor placemaking response and weighs against the proposal. Several properties have parking that would not be visible from their properties (plots 27, 46 and 48). Visitor parking would be unallocated, on-street, where it could be provided but it is clear there are few viable places for this without impacting on the safe movement of vehicles. Whilst PPW is clear that parking should not dominate developments, given the landscaping and use of grasscrete, it is not considered that this would warrant a reason for refusal of the scheme in isolation.

Where parking is at the side of properties, as advocated in the SPG, increased widths have been provided to ensure doors can be opened when adjacent to walls. The amended plans helpfully annotate this and this is considered acceptable.

Policy K.10 of the Placemaking Guidance SPG states that “The quality and configuration of proposed internal living environments have a direct bearing on how homes support different lifestyles and the various needs of occupants, and can also have a significant effect on peoples well-being. These are important elements of placemaking to be considered alongside matters such as the outside amenity space that is proposed, and the wider provision of public open space in an area.” The SPG outlines Internal Spaces Standards to help assess whether living environments would be acceptable without feeling cramped and/ or restricted.

In terms of the internal space standards, all of the dwelling types meet the *minimum* criteria for the space required:

- Scott (2 bed) = 70m² (of which 2m internal storage) – 70m² required for a 2 x bed, 3 person dwelling
- Vale = 72m² (of which 1m internal storage) – 70m² required for a 2 x bed, 3 person dwelling
- Morris = 70m² (of which 2m internal storage) – 70m² required for a 2 x bed, 3 person dwelling
- George (3 bed) = 84m² (of which 3m internal storage) – 84m² required for a 3 x bed, 4 person dwelling
- 4 bed = 97m² (of which 3m internal storage) – 97m² required for a 4 x bed, 5 person dwelling
- 2 x bed flats = 58m² – 60m² required for a 2 x bed, 3 person flat to meet Welsh DQR.

In terms of external space, K.15 of the SPG states that “Many new residential developments often include poorly considered or inadequate outdoor amenity provision with many gardens not allowing for future domestic extensions/ alterations. Garden sizes should therefore be appropriate to the dwelling size and site specific considerations such as topography or shading.

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K.16 states that “It is expected that garden sizes will be at least the same size as the footprint of the house which they serve, provided that these also meet the below separation standards. Gardens should be usable shape (i.e. not awkward triangles etc. or arranged as fragmented parts).” K.19 states “In addition to providing adequate space, it is important to ensure that outdoor amenity provision is usable and able to accommodate a 3x3 metre patio for sitting and outdoor dining, as well as a small shed and rotary dryer, plus sufficient space for potential rear extensions or future conservatories. Gardens are also an important part of the GI strategy at the local level and should allow for carefully located new tree planting which can grow to maturity. Additionally the overshadowing impact of any existing mature trees located on garden boundaries should be considered also and may require the provision of a longer garden.” K.20 goes on to state that adequately sized balconies are expected to be provided for new build and converted flats above ground floor level whilst ground floor flats should have direct access to private garden/ terrace. Sufficient evidence should be provided as to why balconies could not be provided and Juliet balconies incorporated instead.

It is clear that the Covid-19 pandemic has resulted in people spending more time in their homes, this has emphasised the need to ensure developments provide satisfactory indoor and outdoor amenity space, in the interests of health and well-being. The importance of such matters is highlighted in Welsh Government's paper 'Building Better Places'.

In terms of garden sizes, the applicant has indicated the footprint of the garden compared to the house on the masterplan and states that all of the dwellings have garden sizes that accord with the footprint of the dwelling which they serve which is noted as a minimum requirement in the SPG. To this end, given concerns around the location of some trees around the site, Plot 13 has had its garden extended and plot 1 has had its garden area widened. Whilst Plot 6's garden is restricted in depth, it has a regular shape which ensure it is useable. Plots 17's garden is indicated as 48m² although it appears that area of land beyond the garden wall is included in this calculation, i.e. areas that do not form private amenity space. Accounting for the eaves overhang, renders the private amenity space closer to 43m² which raises some concern with the space figures indicated and what has been included / omitted from the calculation as visually some gardens clearly look smaller than the adjacent dwelling. However, Plot 17's garden shape is at least regular, useable and isn't shaded particularly.

The rear garden of Plot 14 however is north facing with mature trees to the west and is triangular in shape. The rear fence measures 6.5m away from the main French windows on the rear elevation. Plot 25's is similarly constrained given its orientation and layout with the rear fence approximately 4.7m away at the nearest point and trees along the boundary. Neither of these properties can be easily extended (even under PD rights) without significantly compromising the remaining garden. Plot 39 has less than 5m from the French doors to the rear boundary with trees beyond. Plot 40 has less than 7m with a Category B tree that needs work to prune back branches beyond. Plot 41 has just over 6m and Plot 42 has approximately 6.5m with their east facing gardens with trees beyond. Plot 43 has just over 7m. These relationships are considered unacceptable in terms of outlook given the orientation of the dwellings and the proximity of the boundary with trees beyond further impacting on outlook and light. As noted above, they would also restrict future extensions given the limited distances to rear boundaries the dwellings have currently and if deemed acceptable, a condition removing PD rights would be required for a large number of plots. The submitted Arboricultural Impact Assessment requires the laying and pruning of trees beyond the boundary of the application site within the Council owned SINC (Site of Importance for Nature Conservation) in any event.

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Plots 49 and 50 also have just over 6m to the rear boundary although these are west facing which provides some mitigation.

In terms of the flats, concerns have been raised with the proximity of residential accommodation to the site boundary with trees beyond needing coppicing as noted in the Arboricultural Impact Assessment. The layout of the flats has the bedrooms on the northern elevation and each ground floor flat benefits from a private outdoor amenity space accessed via the living area to the rear (south facing). The dual aspect nature of the flats is a positive design response as single aspect flats can be problematic in terms of solar orientation and lack of opportunities for cross ventilation. However, the flats are located in close proximity to the fence line and each flat has 2 windows facing directly on to the rear. The fence is located approximately 3m away from the western GF flat, under 4m from the middle GF flat and approximately 4.5m from the eastern GF flat. Works are required to trees beyond the application site boundary as well and there is clear potential for these trees to come under increasing pressure in the future.

The applicant has included windows on the side elevation of the two end flats however one looks directly on to a 2m high brick wall at close quarters and the other would be directly overlooked by the Active Travel route and would offer overlooking into the flat raising privacy concerns as there would be views into all of the living space of the flats at close quarters. This is symptomatic of the issue with density across the site and in seeking to resolve one issue, another is raised. The outlook of the flats is considered unacceptable and concerns also remain about the private outdoor amenity space of the ground floor flats. The first floor flats have Juliet balconies but no private amenity space and there is no communal amenity space provided for the residents at first floor. Whilst two little areas of open space (pocket parks) have been provided either side of the flats, this is something of an afterthought and doesn't make up for a lack of useable secure, private amenity space and no justification has been provided as to why they cannot provide such amenity space.

In terms of the design of the dwellings themselves, the proposed dwelling types are similar in nature to those uses in what the applicant describes as Phase 3 of the development and are considered acceptable in terms of design. The dwellings would comprise a mixture of brick and rendered buildings with various features including porches, canopies, headers and cills. The flats have subsequently been amended following their initial inclusion in the scheme and better reflect the proportions and detailing utilised elsewhere on site. The properties are all 2 storey in nature and incorporate 2 detached 4 bed dwellings with the remaining dwellings predominantly 2 bed or 3 bed semi-detached dwellings or flats. The 3 bed dwellings are predominantly in the southern section of the site where two parking spaces are required whereas the northern end is predominantly 2 bed dwellings with frontage parking.

Allied to this, given the inadequate depth to the rear boundary (plots 11 – 23), concerns remain with regards to the proximity of trees to dwellings along the eastern boundary and the impact this would have on future residents of these properties and the resultant pressure there would be to fell said trees or undertake significant works to them in the future. The trees in question are located on Council owned land and form part of the adjacent Coed Bach Site of Importance for Nature Conservation.

“Placemaking” is defined in Planning Policy Wales as a holistic approach to the planning and design of development and spaces, focused on positive outcomes.

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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. Placemaking considers the context, function and relationships between a development site and its wider surroundings. Following various concerns, the layout has been tweaked in certain areas to address issues and in doing so, has created others. It is evident based on the above that the development has not been considered holistically nor designed around its constraints which has resulted in significant amenity concern for the block of flats as a whole and also several dwellings within the development given the distance to fencing at the rear allied to their orientation. As well as the fundamental amenity issues raised above, there are also other concerns that would weigh against the overall proposals in the planning balance. 4 of the properties have a back-to-side relationship of 12m (15 is espoused in the SPG), there is parking provision directly off two sides of the turning head in the southern cul-de-sac, significant frontage parking on both sides of the road with grasscrete used to soften them and properties that can't see their own parking spaces.

It is therefore considered that the detailed design and layout of this proposal is unacceptable, in terms of its impact on the character of the area and the place-making function advocated in Future Wales, LDP policy and PPW and would not result in a sustainable development for occupiers of the development.

Neighbouring/ Residential Amenity

Policies RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively. Whilst nearby residents have objected to the proposals, the concerns raised do not directly impact on residential amenity per se. Comments that future residents may dump rubbish into the stream have been given limited weight as there is no evidence that this is likely to occur and would be controlled via separate legislation in any event. Ownership of the stream is a separate legal matter.

The site adjoins existing housing on three sides but is set off dwellings to the west in the main by mature trees and a stream which crosses the site in one location. The orientation of dwellings and set off distances is considered to ensure there is no unacceptable overlooking impacts of neighbouring properties and it is not considered that the development would be overbearing for neighbours given the set off distances between proposed and existing properties. Plot 14 is located 15m away from the side elevation of No. 5 Blaenmorfa but it is considered that intervening trees outside of the site would ensure there is no significant reduction in privacy to the garden area of this property. Similarly, there would be oblique views from Plot 22 into 35 Trinity Place (17.5m away at closest point) but given the relationship between the two properties it is not considered there would be overlooking into the property itself and there is already a degree of overlooking of the garden area from the adjacent properties, even though they are single storey. Impacts within the site have been addressed in the section above.

As a residential development in a residential area, it is not considered that there would be an increase of noise and disturbance over that which would normally be expected in an area such as this. It is appreciated that there could be short term noise/ disturbance during the construction stage but this would be for a limited period only and a condition regarding a Construction Environment Management Plan (CEMP) would ensure that this is suitably controlled/ managed through the development phase.

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The proposals are therefore considered acceptable in terms of their impact on neighbouring residential amenity outside of the site. As noted above however in the placemaking section, there are amenity concerns for future residents within the development.

Highway Safety/ Parking/ Active Travel

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking.

Residents have raised concerns about heavy traffic accessing the site which will cause disruption and Sustrans has commented that the proposal does not make provision for a future access link through the site to the south. The applicant has subsequently advised that they own the railway line to the south-west of the application site as far as the culvert only. The development would have no impact on the railway line of any future plans that Sustrans has. The site would have vehicle and pedestrian access from the west and would provide a new active travel link to the east to Coed Bach Park which is welcomed. The provision of this link would enable easy access for future residents to the park on foot/ cycle and would also provide access for existing residents living to the west.

The Local Highways Authority has advised that the Transport Statement accompanying the construction of 35 dwellings to the west assessed the impact of 60 dwellings and concluded that the proposals would not impact on the operation of the Tidal Reach junction. 9 additional vehicles are proposed over this previous assessment which would not impact on the operation of the junction. The main spine road could be adopted as it provides for a 5.5m carriageway with 1.2m pavement on one side and an Active Travel route on the other.

The main access to this phase of the development site was consented under application 2016/3542/FUL, this involves culverting the watercourse to the west of the site to provide the access road. This would need to be fully implemented prior to any construction works on site to ensure access to the site can be provided as without it, the site could not be accessed.

The layout provides for a reduction in car parking as a result of its close proximity to the facilities on offer in Pontarddulais and the level of car parking is considered acceptable on this basis.

Visitor parking would be on street albeit there is limited capacity to park on street given the prevalence of drives, GI and parking accessed off the turning head without impacting on highway safety.

The Local Highways Authority previously requested a swept path analysis and this has subsequently been provided. They have previously advised that the layout remains tight in places but just about worked, however they have objected to the latest iteration which has sought to include more GI in the development.

They have indicated concerns with regards to the line of trees along the site entrance and the impact this would have on visibility splays with insufficient forward visibility for drivers to negotiate bends and the kink that has been introduced on the northern spur to allow GI along the pavement. In addition, the three GI build outs introduced would create issues.

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Concerns remain with regards to the tight layout in the southern road spur where the shared carriageway itself would be reduced to 4.2m given limited space/ refuge for pedestrians on this side of the road. Two are provided in a northern cul-de-sac but one would severely restrict the ability of the vehicle in Plot 8 reverse and the other is in the turning head and should be removed. Some of the remaining highway areas are considered so narrow that any maintenance would necessitate a complete road closure. Concerns are also raised in terms of the Equality Act as a result of the concerns over pedestrian wayfinding as a result of the above.

The Highway Authority has serious concerns with the further narrowing of carriageway that would appear to compromise the ability of the highway to function safely. It is unlikely such a layout would be considered adoptable and it is unlikely 2 way swept paths could be maintained, and the presence of any vehicle parked on the carriageway has the potential to prevent service access.

The provision of a separate Active Travel route is a positive of the scheme as it provides links across the site and the Council are seeking permission to provide an active travel route in close proximity to this proposal which would provide further links. The Active Travel route would provide a secondary emergency access which would be secured with a lockable bollard. This access is not suitable for general traffic or construction operations, a concern raised by residents.

The proposals are therefore considered unacceptable in terms of access and highway safety in relation to LDP policy.

Trees/ Ecology/ Green Infrastructure

Policy PS 2 references the strategic green infrastructure network which is supplemented by Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site. Residents have raised concerns over the loss of trees/ nature on site.

Concerns have been raised with regards to the impact of the development on trees on adjacent land (forming part of a Council owned SINC) and an amended Arboricultural Impact Assessment has been submitted. The Report identifies the loss of 4 individual trees (T982, T983, T991 and T993), 1 Larch, 1 Scots Pine, 1 Goat Willow and 1 Sycamore respectively which were all classified as Category C trees with the exception of the Goat Willow (U). However the Council's Arboricultural Officer raised concerns are the Scots Pine was originally classified as a Category B tree with group value and was subsequently re-classified individually when it was proposed to be removed. In addition, it is also proposed to remove two Ash trees (category C - G2), 342m² of mainly sprawling Goat Willow and Alder scrub (category C – A1) and a small group of Cypress conifers (category C – G7). Some of these trees would be required to be removed to facilitate the development plots themselves whilst some other works are proposed to trees around the site to facilitate the development.

The Council's Arboricultural Officer has welcomed the changes to the layout along the eastern boundary as it has given better separation to the retained trees; however, the Master Plan shows a retaining wall that will remove one category B tree and affect other trees proposed for retention. The AIA has not identified this conflict. The retaining wall would also extend through G4 and into the northern end of A1.

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Whilst none of the trees on or adjacent to the site are protected by TPO Under Section 197 of the Town and Country Planning Act 1990 it is the LPAs duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity. The submitted Arboricultural Impact Assessment does not cover the issue over the impact of the trees and the applicant has therefore failed to demonstrate that the impact of the development on trees surrounding the site has been considered to be acceptable in terms of retaining trees for their amenity and biodiversity value.

In terms of ecology on site, the applicant has submitted an Ecological Impact Assessment Report and a Green Infrastructure Report in support of the application. The former concludes that retained vegetation and offsite trees and woodland would remain unlit, there would be no lighting of any bat features, a reptile mitigation strategy would be agreed with the LPA and followed and the adjacent Waungron Marsh SINC would need to be protected during the course of development.

The applicant has also indicated a scheme of Biodiversity Enhancement following on from the various Ecological Appraisals submitted in support of the application. However, as with the trees, concerns remain in terms of the hedgehog gaps and the location of the retaining wall around the north eastern site boundary or the retaining wall between plots that is identified in the masterplan (such as plots 51 – 53, 11-12, or 17-18). This could be amended simply enough via condition but highlights the disconnect amongst the various reports submitted with the application and the overall approach adopted. The Ecologist has also noted that there is still some discrepancy between what is shown on the drawing and what is stated in section 3.7 of the GI Assessment which requires clarification.

With reference to the Ecologist's previous comments, native trees, shrubs and wildflowers should be planted as part of the landscape scheme. The proposed species must be of local or at least Welsh provenance. Landscape Plan Rev G, Feb 2021 appears to be lacking in this and in a range of native plant species to attract pollinators. Section 5.10 of the EIA also states that any new planting on site will utilise native species of local provenance. Sections 3.4 and 3.5 of the GI Strategy Assessment Report (20/7/21) states that four wildlife gardens will be created and planted with low level shrubs and nectar mix eg AB1. The newly submitted GI Assessment section 3.4 now states that two wildflower gardens will be created near the western entrance to the site. However, the TDA drawing ref TDA 2655.01 (B) Detailed Landscaping proposals only shows one area of wildflower planting and no clear indication still of the previously proposed wildlife gardens.

The surveys established that medium breeding population of both slowworm and common lizard are present on the development site. The Wildwood Ecology Reptile Mitigation Strategy report – doc ref WW EZ 1094 RMS Rev B Final 7/1/22 now contains the previously requested report on habitat suitability of the receptor site at Waungron Marsh SINC. Due to the suspected population size of on-site reptiles, at least 2 other hibernacula are required to be built on the receptor site, to enhance the habitat for translocated reptiles and the reptile mitigation and translocation shall be undertaken and implemented as per details contained within the Reptile Mitigation Strategy along with a post-translocation report. In addition, monitoring reports shall be submitted to the LPA following presence/absence surveys in years 1 and 3 post-completion. The monitoring reports shall also report on the condition of the habitat at the receptor areas.

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Whilst the Council's Ecologist has requested pre-construction checks for badger and otter, there are none present on site currently and it is considered unnecessary and unreasonable to do this when there they are covered by separate legislation. The same is considered true for bats and the removal of any trees and NRW has advised that soft-felling techniques would overcome any concerns. An informative could cover this issue and help ensure the trees are protected prior to any works. Both NRW and the Council's Ecologist have requested a CEMP which is considered reasonable and could be secured via condition along with a sensitive external lighting strategy. Himalayan balsam and Japanese knotweed were present in high densities across the reptile receptor site within the scrub and tall ruderal habitats. It is recommended that these species are managed to prevent further spread.

In order to comply with the relevant planning policy in relation to GI (including Future Wales, PPW11 and LDP Policy ER 2) the LPA must ultimately be satisfied that multifunctional GI is proposed to be integrated into the design and layout of the development at all relevant scales, in this case this relates to plot/street/landscape scales. Previous comments from the Strategic Planning and Placemaking team have set out in detail the relevant policy requirements, and provided recommendations on how the proposal can demonstrate alignment with the requirements. They have concluded that not all recommendations have been incorporated however changes to the scheme in respect of GI provision have been made and are acknowledged.

An updated GI Assessment was submitted in 2019, with revisions made in July 2021. The recent submission (Rev D updated 07/01/2) is noted, which includes response to ECIA, Reptile Survey and Tree Survey. The document provides additional information about the constraints of the site and how the proposal seeks to respond to this, but stops short of setting out GI strategy for each scale of the site.

The current site layout does bring more GI into street level than previous iterations albeit it has been added to the layout at a later date rather than included as the design has evolved. The GI features include verges, planted buildouts, grass reinforced parking space and street trees. This approach brings planting into the heart of the scheme which has the potential to benefit well-being and increase ecological enhancement and surface permeability, notwithstanding the concerns set out above that these features have on highway safety. The GI is focussed at a number of areas of the site at different scales as espoused in PPW. Trees and wildflower areas are proposed around the site (albeit the tree planting is to replace those to be lost) and a pocket park is proposed next to the flats and the Active Travel route. The lack of trees in the larger rear gardens in the north of the site however is a missed opportunity to provide further plot level GI.

A key area is the site entrance where the frontage parking to one side is now proposed to be offset by a tree planting verge opposite. The southern gateway area has been amended from previous layouts to have an active frontage which is achieved by locating parking behind plots 51-55 in a rear parking court. This approach is welcomed. The southern cul-de-sac is also now softened by a GI verge with tree planting. The GI is also concentrated at the active travel junction by the proposed flats. This aids legibility for active travel and ensures GI has a high profile.

The parking court has some soft landscaping proposed however it is at a minimal level and should be improved by planting at the entrance to the courtyard and the change of the wall at the west end to the basin to a post and rail fence to open up the proposed native hedge. Amendments to supplement GI could be secured by condition.

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The northern and north western cul-de-sacs have little GI and those that have been included result in highway safety issues. Hedges with suitable timber bollards could provide protection from additional cars being parked on the planting areas, which again, could be secured via condition.

Overall, whilst there are considered to be some deficiencies in street-level GI throughout the site, additional trees have been provided within the core of the site and some highway verges have been provided. Wildflower planting has also been proposed and provision made for benches at various stopping points along the Active Travel Route and the landscaping scheme could be amended to address additional issues raised above. On balance, it is considered that the development as submitted has included multi-functional Green Infrastructure that is considered acceptable on balance subject to some minor additions.

Based on the above, it is considered that concerns remain with regards to the impact of the development on trees on and surrounding the site and the development is considered unacceptable in this regard. Some minor amendments would be required to the landscaping scheme and green infrastructure on site.

Education

One resident has stated that the schools in the area are already crowded. The Council's Education Officer has commented at various times during the course of the application and the situation has changed in the various catchment schools during this time in terms of capacity. There is considered to be sufficient capacity within the Welsh Medium schools serving this catchment to accommodate the development proposed at the present time.

The Education Officer has advised the development would create 12 English Medium (EM) primary places and 8 EM Secondary places and has therefore requested contributions (plus indexation) towards the English Medium Primary School and the English Medium Secondary School of 181,200.00 and 184,576.00 respectively.

However, following further interrogation of the information, it is apparent that there are currently 22 unfilled spaces in the EM Primary School. The Education Officer has advised that various schemes would utilise that spare capacity hence the request for contributions. However, of the 4 schemes referred to, the S73 application at Goppa Road is currently undetermined, a contribution was secured for 188 St Teilo Street (and therefore can't be double counted) and the land west of Parc Y Bont is what the applicant calls 'Phase 3' and has been built out (i.e. the children from the development are already in the school system). Whilst that would leave 17 unfilled spaces (as 5 are already accounted for) and this development would take up 12 of those spaces, it is not considered justifiable to request a contribution for the EM Primary School as the school is under 5% capacity. On this basis, it is not considered reasonable to request a contribution for the EM Primary School.

However, the situation at the EM Secondary School is more clear cut. The school currently has 3 unfilled spaces and two of the developments referred to did not provide contributions and would take up spare capacity (The Yard at Cambrian Street and Tyrisha Farm). Goppa Road, Carmel Road and Llewellyn Road are all currently undetermined applications and St Teilo Street provide a contribution.

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Therefore, there is no spare capacity in the school which would be overcapacity with the figures identified above making a contribution even more important. Within this context, it is considered to be sufficient justification for a contribution of 184,576.00 for EM Secondary Provision to increase capacity at Pontarddulais Comprehensive school that would need to be secured via S106.

Affordable Housing

The LDP seeks to provide an element of affordable housing in all developments of over 5 dwellings such as this one and the LDP indicates that a minimum of 15% affordable housing should be provided on site. Whilst the Housing Officer originally requested the provision of 20% on site, this was subsequently reduced from a policy perspective when the LDP was adopted. Similarly, whilst 8 units are requested, it is considered that 9 would equate to policy compliance requiring a minimum of 15% provision on site (8 units would be under the minimum target of 15%).

The submitted site layout has a provision of 6 x 2 bedroom apartments, therefore there is a shortfall in onsite provision. The affordable housing units need to be DQR compliant and it appears as though they would comply in terms of internal floorspace. Social rented tenure is the highest need across Swansea, if affordable apartments are to be included, the Housing Officer has requested that they are 1 bedroom walk-up type, as this would meet social rented tenure affordable need. The Housing Officer therefore requested a mix of 1 bed walk up flats, 2 bedroom houses and 3 bedroom houses but noted that further discussions will be required regarding affordable provision if this unit mix is not viable.

In this instance, the applicant has indicated that the block of flats (6 x 2 bed units with communal entrance) would be the affordable housing offer for the development, and this would be Intermediate tenure due to viability. This does not comply with the requirements in the LDP in terms of the number of units to be provided or the type of accommodation required. The provision of the affordable housing is also different to that of the other dwellings on site and would be clearly recognisable as such.

The applicant has stated that the proposals are unviable and submitted a Viability Assessment in the beginning of 2020. However, the scheme has changed since that time with the inclusion of flats and it is evident that other changes in both the cost of materials and house prices have also been experienced within that time. The Assessment was not agreed with the Council and is outdated and not fit for purpose based on the above. An Updated Viability Appraisal has been requested on several occasions but not forthcoming to date and the application will therefore be determined on its merits.

Therefore, it has not been evidenced that the proposals are acceptable and would result in a shortfall of AH provision on site that would not, in any event meet, the identified need for AH provision. The proposals are therefore not considered to comply with the requirements of Policy H 3 of the Local Development Plan.

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Coal Mining Legacy

The Coal Authority has been consulted on this application and advised that the application site falls within the defined Development High Risk Area; the Coal Authority's information suggests that coal seams outcrop across the site which may have been worked at shallow depth in the past. Whilst the applicant has indicated that the site is not affected by shallow mine workings, the Coal Authority remains of the view that there exists the possibility that unrecorded workings could be present beneath the application site which could potentially pose a risk to development proposals. They maintain the view that the information presented to date does not definitively demonstrate that the site is safe and stable for the proposed development.

They have advised that the only way to overcome their objection and to address their concerns would be through the imposition of a pre-commencement condition requiring further works to establish the exact situation regarding shallow coal mining legacy at the application site and to inform any necessary remedial measures. The conditions requested are considered reasonable and necessary.

Contaminated Land

Policy RP 6 requires mitigation for actual or potential contamination on site. The application was submitted with a Geotechnical and Geo-environmental Site Investigation Report which identifies that several substances tested for were found to be present at concentrations slightly above their respective human health threshold levels, including arsenic, lead and polycyclic aromatic hydrocarbons. Asbestos was also found in two samples. The site previously housed a concrete pipe works (demolished circa 2012) and a gas works was historically located to the north of the study site. The Report concludes that remedial measures would be required as the affected soil comprise made ground that covers much of the site. Capping would therefore be required on the site to comprise 600mm of suitable clean imported subsoil/topsoil material.

The SI Report submitted with the application states that remedial measures will be required with regards to site soils which have been found to contain elevated levels of arsenic, lead, polycyclic aromatic hydrocarbons and asbestos. The affected soils are the made ground that covers much of the site. In terms of the eventual site end users it is considered that there is a risk posed by the contaminated natural soil. Capping will therefore be required on the site. The capping is to consist of the proposed buildings, hard standing and in garden and landscaped areas 600mm of suitable clean imported subsoil/topsoil material. This material should ideally conform to the requirements of BS: 3882. The soil capping should be underlain by geogrid to stop penetration by a spade and a geomembrane to stop mixing between the contaminated soils and the clean capping soils.

The Council's Pollution Control Officer has reviewed the submitted TerraFirma Report and advised that conditions would be required to ensure a Conceptual Site Model is provided along with more details of the Detailed Investigation and a remediation Strategy. These could be secured via condition. It is not considered reasonable or necessary to attach a condition around imported soils as this is secured via other legislation. A condition would suffice to control further unforeseen contamination as well.

On the basis of the above, it is considered that these issues could be controlled via suitable conditions if the development was considered acceptable.

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Drainage/ Flooding

Policies RP 4 and RP 5 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

With regards to drainage, part of the site (the northern tip) was located within a C1 flood zone (areas of the floodplain which are developed and served by significant infrastructure, including flood defenses) as defined in TAN 15: Development and Flood Risk (2004). The proposed residential use is classified as a vulnerable use according to the TAN and policy concerns were raised about the development of this area of land. The applicant has subsequently omitted these 3 dwellings and removed the land from the application site.

A small part of the site appears to be in a C2 flood zone area where vulnerable development should not be permitted. The applicant has discussed this situation directly with Natural Resources Wales as they consider this to be an error in the flood maps. NRW has advised that with regards to the area at the south of the site, the NRW flood maps do not include an error, as suggested in the document. Rather, as explained in their previous response, the encroachment shown on the Development Advice Map (DAM) and NRW flood map is due to the resolution of the model at this location; the purpose of the DAM and NRW flood map is to provide an indication of flood risk.

Since the original comments were provided, the DAM maps have been supplemented with the Flood Map for Planning (FMfP). The Dear CPO letter dated 15th December states that the FMfP remains publicly accessible and provides better and more up to date information than the DAM even though it holds no formal weight. NRW were re-consulted on the basis that the updated flood map does show changes to the flood risk at the site, which reflect climate change being included in the updated map. However, NRW consider that the submitted FCA adequately demonstrates the flood risk to the site so they have nothing to add to our previous comments regarding flood risk.

NRW has not objected to the proposals on the basis of flood risk and it is not considered that the proposed dwellings themselves are at risk of flooding or that the development would increase flood risk elsewhere.

It should be noted that the site vehicle access is located within a C1 Flood Zone where it enters the site and NRW previously considered that the previously submitted Flood Consequences Assessments were out-of-date. Notwithstanding this, there is an alternate route that could be used in the event of emergency via the active travel link to Coed Bach Road and it has been demonstrated on the tracked vehicle diagram that an emergency vehicle could access the site if needs be. On the basis that the site itself wouldn't flood and an alternate access/ egress is available on foot (and for emergency vehicles), it is considered that the proposals are acceptable in terms of their impact on flooding.

The Drainage Officer has raised no issues with the proposed drainage strategy which is considered acceptable in principle and subject to a condition requiring full drainage details. Surface water is proposed to flow to an attenuation basin in the southern half of the site.

Dwr Cymru Welsh Water raise no concerns with regards to foul drainage but have requested a condition requiring no surface water to enter into the public sewerage network.

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Welsh Language

Policy HC 3 seeks to safeguard and promote the Welsh language throughout the County and states that the Council may subject development on windfall sites such as this to a Welsh Language Impact Assessment given that the site is located within the identified Welsh Language Sensitive Area.

The Council undertook an Impact Assessment in 2019 which concluded that there would be a negative impact on the Welsh language primarily as a result of no AH being offered on site. However, an element of AH has subsequently been provided as noted above and whilst not policy compliant, it would add to the range of accommodation on offer in terms of tenure. The Impact Assessment concludes that mitigation would still be required however 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 (including proximity to Welsh language schools and Welsh language community groups);
- Ensuring street names are in Welsh in order to protect and promote the local linguistic character and cultural distinctiveness of Pontarddulais.

It is considered necessary and reasonable to require these recommendations in an appropriately worded condition should the proposal be considered acceptable.

Employment and Training Opportunities

Policy IO 2 encourages developers to work with the Council 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 (BBM) policy. However, whilst this policy seeks to encourage use of BBM, it does not require them to.

Other Issues

Residents have stated that the area has lost its village feel due to population increase and this development would add to it, Pontarddulais cannot take any more housing as it is already overdeveloped with infrastructure at bursting point (schools, doctors, dentists) and rats would be a problem when they clear the site. The population of Pontarddulais was 6,600 as of 2017 and this development would increase the population by approximately 2.5%. Given its proximity, the site is located close to facilities within the town centre in terms of primary healthcare provision, the site is located in close proximity to a nearby park to promote healthy lifestyles and the health board did not raise any objection to the Local Development Plan.

In terms of the condition of roads within the adjacent site (Llys Morfydd), these have not been adopted but the Local Highways Authority has raised no issue in terms of their current state to provide access to this development. Finally, there is no evidence that the development of the site would result in vermin issues elsewhere.

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Conclusion

Whilst it is acknowledged that the principle of residential development on this windfall site is acceptable in principle, and amendments have been made to improve and overcome some of the concerns raised during the course of the application which are welcomed, the scheme overall is still considered to represent a poor placemaking response in terms of the impacts on residential amenity of the flats and dwellings, impact on trees and highway safety. In addition, the Affordable Housing provision on site is not policy compliant and the proposed mix is not as per the requisite need and no evidence has been provided to justify this shortfall or the proposed mix, nor provide the necessary infrastructure for Education.

On this basis, it is not considered that the proposals represent sustainable development and the proposals are therefore considered unacceptable when considered as a whole. As noted above, there are a lot of areas of concern and compromise within the development and several reasons on their own that render the scheme contrary to LDP policy.

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

RECOMMENDATION

REFUSE, for the following reasons;

- 1 The proposed development by virtue of its design and layout would not provide sufficient outlook for the main living areas of the 3 ground floor flats to the detriment of the living conditions and overall well-being of the future occupiers and the inclusion of a window on one ground floor flat results in an unacceptable reduction in privacy into the main living environment. The proposals are therefore considered to be contrary to Policy PS2 of the Swansea Local Development Plan 2010-2025 and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).
- 2 The proposed development by virtue of its design and layout would not provide any private outdoor amenity space for the 3 first floor flats and insufficient, useable private outdoor amenity space for the 3 ground floor flats to the detriment of the living conditions and overall well-being of the future occupiers. The proposals are therefore considered to be contrary to Policy PS2 of the Swansea Local Development Plan 2010-2025 and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).

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- 3 The proposed development by virtue of its design and layout would not provide sufficient outlook or useable amenity space for several dwellings in the development given the proximity of fencing and layout of gardens, significantly prejudicing the ability to extend at the rear in the future, to the detriment of the living conditions and overall well-being of the future occupiers. The proposals are therefore considered to be contrary to Policy PS2 of the Swansea Local Development Plan 2010-2025 and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).
- 4 The proposed development by virtue of its inappropriate design and layout together with insufficient appropriate supporting information has failed to demonstrate that the development would not result in harmful highway safety impacts contrary to Policies T1, T2, T5 and PS2 of the Swansea Local Development Plan (2010-2025).
- 5 The proposed development by virtue of its inappropriate design and layout would not facilitate the provision, management or maintenance of a policy compliant level of affordable housing provision on the site in accordance with current needs and would therefore be contrary to Policy H3 of the Swansea Local Development Plan 2010-2025.
- 6 The development by virtue of the proposed works and layout has failed to demonstrate that the proposal would not have an adverse impact upon the existing trees within and surrounding the site, contrary to Policy ER 11 of the Swansea Local Development Plan (2010-2025) and Trees, Hedgerows and Woodlands Supplementary Planning Guidance (2021).
- 7 The development has failed to provide for the necessary infrastructure towards education provision required by the development and has failed to provide supporting evidence to justify this approach. The proposal is therefore contrary to Policies IO1, SI3 and PS2 of the Swansea Local Development Plan (2010-2025).

Informatives

- 1 PLANS:
 - o 444-9208-V2-Type A4 - George x2 - V2 - GA Plans -Planning-Rev-(E)
 - o 444-9209-V2-Type A4 - George x2 - V2 - GA Elev. -Planning-Rev-(D)
 - o 444-9228-Type A24-Scott x3 & Vale x1- GA Plans-Planning-Rev-(B)
 - o 444-9229-Type A24-Scott x3 & Vale x1- GA Elev. -Planning-Rev-(B)
 - o 444-9230-Type A15 - Morris x2 - GA Plans - Planning-Rev-(B)
 - o 444-9231-Type A15 - Morris x2 - Elevation -Planning-Rev-(B)
 - o 444-9232-Type A16 - Morris x2 -Vale x1 -Planning-Rev-(F)
 - o 444-9233-Type A16 - Morris x2 -Vale x1 -GA Elevs.-Rev-(D)
 - o 444-9242-Type A21 - 4 Bed - GA Plans - Planning-Rev-(C)
 - o 444-9243-Type A21 - 4 Bed - GA Elevs -Planning-Rev-(C)
 - o 444-9244-Type A22 - Morris x4 - GA Plans - Planning-Rev-(B)
 - o 444-9245-Type A22 - Morris x4 - GA Elevs. - Planning-Rev-(B)
 - o 444-9256-Type A28 - George x1 & Vale x1 - GA Plans-Rev-(B)
 - o 444-9257-Type A28 - George x1 & Vale x1 - GA Elevations-Rev-(B)
 - o 444-9262-Type A31 - Morris x4 -Vale x1 - GA Plans-Rev-(B)
 - o 444-9263-Type A31- Morris x4 -Vale x1 -GA Elevs.-Rev-(B)

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- o 444-9266-Type A33 - Morris x4 - GA Plans -Planning-Rev-(B)
 - o 444-9267-Type A33 - Morris x4 - GA Elevs. -Planning-Rev-(B)
 - o 444-9272-Type A36 - Morris x2 & Vale x1 -Planning-Rev-(B)
 - o 444-9273-Type A36 - Morris x2 -Vale x1 -GA Elevs.-Rev-(B)
 - o 444-9502-Type A51 - Morris x2-Vale x1 -Planning-Rev-(B)
 - o 444-9503-Type A51 - Morr. x2-Vale. x1 -GA Elevs. -Planning-Rev-(B)
 - o 444-9515-Type A57 - George x2 & Vale x1 - GA Plans-Rev-(A)
 - o 444-9516-Type A57 - George x2 & Vale x1 - GA Elevations-Rev-(A)
 - o 444-9517-Type A58 - Apartment 6 x 2 - 3P2B - Planning GA Plans-Rev-(A)
 - o 444-9518-Type A58 - Apartment 6 x 2 - 3P2B - Planning GA Elev.-Rev-(A)
 - o 471-1102-Phase 4 - Location Plan- Rev - (H)
 - o 471-1110-Phase 4 - Site Colour Masterplan- Rev - (MM)
 - o 471-1115-Phase 4 - Vehicle Tracking- Rev - (M)
 - o 471-1305-Phase 4 - Boundary & Bio-diversity Enhancement Drawing- Rev - (I)
- and
- o 471-1310-Phase 4 - Existing and Proposed Site Sections- Rev - (J) received on 30th January 2022.
-

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Item 4 (Cont'd)

Application Number:

2021/3019/FUL

Background

This application is being reported to Planning Committee as the Local Member has called it in and it has hit the committee objection threshold.

This scheme is one of several Active Travel schemes within the County area developed as part of the Active Travel (Wales) Act 2013 and is funded by Welsh Government.

The current application forms part of a wider scheme for a footpath/cycle link between land to the north of Grovesend and Pontarddulais. Planning permission was approved for the section between Station Road and Pentre Road in 2021, planning application 2021/1136/FUL. This application seeks planning permission for the section between Pentre Road through to the existing path along Tidal Reach.

Site Location & Description

The proposed development will provide a 2.5m - 3m tarmac shared footpath/cycle link and will extend from Pentre Road on the outskirts of Pontarddulais through to Tidal Reach by the roundabout of Tesco and the residential estate of Llys Morfydd.

The proposed route will mostly follow a disused railway line and existing paths and would pass through Coed Bach Park which is designated as an ancient and semi-natural broadleaved woodland. The proposed development will link to and thus form a continuation of the existing network of cycle/footpaths between Gorseinon, Gowerton and beyond.

The application site is located within the Coedbach Park Site of Importance for Nature Conservation (SINC) and Waungron Marsh SINC.

National Planning Policy

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

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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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 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, multidimensional 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 Places 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)

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Item 4 (Cont'd)

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2021/3019/FUL

Access and Inclusivity

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

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness.

Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

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

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

Character

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

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Item 4 (Cont'd)

Application Number:

2021/3019/FUL

Community Safety

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

Movement

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

Promoting Healthier Places

3.19 The built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

3.21 Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

Development in the Countryside

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 Transport

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

Active Travel

4.1.26 Walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to placemaking, creating life and activity in public places and providing the opportunity to meet people. Sustainable places invite people to walk and cycle as part of their everyday routine.

4.1.27 The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. The Active Travel Act requires local authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.

4.1.28 The Active Travel Act is complemented by statutory Design Guidance. The guidance sets out the standards expected of new and improved active travel infrastructure in Wales, including related facilities, and the considerations to be taken into account when choosing the design solutions for particular routes and sites. It also sets out effective approaches to planning walking and cycling networks and includes audit tools to assess existing infrastructure and future routes for their suitability.

4.1.29 The planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities.

4.1.33 Development plans must identify and safeguard active travel routes and networks, including those identified in the Active Travel Network Maps required by the Active Travel Act, and support their delivery. As part of the selection of future development sites, priority should be given to sites which can be readily connected to existing active travel routes or future networks.

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New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site connections. Planning authorities should also seek to assist in the completion of the national cycle network and key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure. Planning authorities should seek opportunities to increase habitat connectivity, mitigate habitat fragmentation, and secure wider green infrastructure benefits along transport networks. These measures should be considered as part of the Green Infrastructure Assessment.

4.1.34 In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.

The Historic Environment

6.1.7 It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

6.1.8 It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most effective when it is considered at the earliest stage of plan preparation or when designing proposals new proposals.

6.1.9 Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

Archaeological Remains

6.1.23 The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.

Integrating Green Infrastructure and Development

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

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6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents.

Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Biodiversity and Ecological Networks

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

Development plan strategies, policies and development proposals must consider the need to:

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

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

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Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

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

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

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

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

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

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

Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations.

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Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Protected Species

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

Trees, Woodlands and Hedgerows

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

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

Sustainable Drainage Systems (SuDS) and Development

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

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

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

Development in Sewered Areas

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

Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

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Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

Land Contamination

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

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

Physical Ground Conditions and Land Instability

6.9.26 Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place.

6.9.27 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Adopted Swansea Local Development Plan (2010-2025)

PS 2 Placemaking & Place management - 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.

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, and where appropriate: create new interconnected areas of green infrastructure between the proposed site and the existing strategic network; fill gaps in the existing network to improve connectivity; and/or in instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets.

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CV2 Development in the Countryside - Outside defined settlement boundaries development will be required to ensure that the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside, except where it meets defined criteria including inter alia (vii) necessary infrastructure provision and enhancement of infrastructure networks;

Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area.

ER6 Designated Sites of Ecological Importance - Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

ER8 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:

- i. The need for development outweighs the nature conservation importance of the site;
- ii. The developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; and
- iii. Any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.

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 given to maintaining and enhancing ecological connectivity.

ER11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity or natural/cultural heritage value, or that provide important ecosystem services, will not normally be permitted.

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access by incorporating within the site, and/or making financial contributions towards the delivery offsite.

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

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. Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for floodplain capacity. 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 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity.

Development will only be permitted on unstable or potentially unstable land where:

- It can be satisfactorily demonstrated that proposals to make the land capable of supporting the development are adequate; and
- The necessary mitigation measures will be in place before development commences or are an integral part of the construction works

Supplementary Planning Guidance (SPG)

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

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

The above Protection of Trees SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. This SPG has been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the document. It was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs.

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

Consultation Responses

Council's Tree Officer:

Dealing with the section through and adjacent to the ancient woodland I note:

- The existing path is significant and up to at least 4 metres wide in places;
- The existing footpath is 'surfaced' with a significant depth of woodchip mulch. During my visit this week more woodchip was being deposited on adjacent footpaths;
- The structure of the woodland is poor with little understorey; and
- The path on the two occasions I have been to site appears to be well used.

My conclusions from my observations are:

- The proposed path would not lead to loss of trees or other flora;
- A suitably constructed path would not adversely affect compaction of the ground;
- The proposed path construction would likely affect tree roots from excavation. This can be avoided by using a no-dig 3-D confinement system installed in the accepted way to prevent tree root damage; and
- Impacts to fauna should be commented on by our Ecologist.

Plans have been submitted to show a 'No Dig' option to be utilised for the Shared Use Path through the wooded area between Pentre Road and Coedbach Park.

Accordingly, the Council's Tree Officer has raised no objection to the proposal subject to conditions in respect of a tree protection plan and arboricultural method statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

Council's Pollution Control Officer:

No objection.

Council's Ecology Officer:

Relevant documents received and reviewed:

- Preliminary Ecological Appraisal, Sustrans April 2019; and
- Dormouse, GCN and Badger Survey Report, David Clements Ecology November 2020.

Protected Sites

SINCs:

The application site is located within the Coedbach Park Site of Importance for Nature Conservation (SINC) and Waungron Marsh SINC.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:

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Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
 - ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts;
- and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

Scrub clearance will be required to facilitate the proposed development. This should be minimised as much as possible and be mitigated for by planting a hedgerow along at least one side of the route. If this is not possible then a contribution should be made to enhance SINC habitats off-site.

Condition:

A scheme to mitigate for the loss of SINC habitats shall be submitted to the LPA for approval prior to the commencement of development on site (including site clearance).

National/International Sites:

Multiple watercourses run through the application site, which are hydrologically linked to the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI), The Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and the Burry Inlet Special Protection Area (SPA) and Ramsar.

The LPA, as competent authority, must be satisfied that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary undertake an appropriate assessment of the implications of the proposed scheme for the SAC/SPA/Ramsar in view of their conservation objectives, before granting planning permission.

Protected Species

Condition:

A suitably qualified ecologist shall be present during all vegetation clearance works on site. Trees shall be inspected for bats prior to removal/pruning. Should evidence of any European Protected Species (i.e. bats, dormice, great crested newts, and otter) or new evidence of badgers be found during construction, all works must cease until the advice of a suitably qualified ecologist or Natural Resources Wales is sought.

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Badger

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (01792 634960 / 0300 065 3000).

Condition:

All trenches and excavations shall be fenced off or covered overnight to prevent any animals 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 shall be checked for trapped wildlife each morning before starting construction activities

Bats

It is not anticipated that any trees with bat roosting suitability will be removed to facilitate the development. However, it is recommended that a precautionary method of working is adopted with regards to bats in the form of an ecological watching brief during any tree removal.

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.
- If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (01792 634960 / 0300 065 3000).

Breeding/nesting birds

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

- 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; and
- Take or destroy an egg of any wild bird.
- Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

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- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

Condition:

No clearance of trees, shrubs or scrub shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests shall be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Reptiles & Amphibians:

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure reptiles. If widespread reptile species are encountered (common lizard, slow worm, adder or grass snake), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles to a suitable habitat.

Construction Environmental Management Plan (CEMP)

A CEMP must be submitted to the LPA for approval. The CEMP should include at least the following:

- Details of tree and hedgerow protection;
- Details of protection and enhancements measures for roosting bats, foraging & commuting bats, badgers, otters, dormice, nesting birds, reptiles, amphibians and hedgehogs;
- Plans showing sensitive areas and the mitigation required;
- Pollution prevention measures, especially the protection of watercourses and retained SINC habitat;
- Ecological clerk of works/pre-construction check requirements.
- Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species/habitats on site, the mitigation measures in place and the procedures to follow should any be discovered.

Condition:

No development approved by this permission shall be commenced until a CEMP is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

Lighting Strategy

Condition:

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to commencement of development. It should aim to protect bats and other nocturnal species, and nearby habitats. A plan showing location, light spill and specification for any proposed lights (during construction and operation) on the site must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/ourwork/buildings-planning-and-development/lighting>

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Invasive Non-native species (INNS)

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

Condition:

As Japanese knotweed and Himalayan balsam were recorded on site, an INNS Management Plan shall be submitted to the LPA for approval. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works shall cease until the management of these species is agreed.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

Condition:

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Local Highways Authority:

The proposed development will provide a Shared Use Path through Active Travel funding between Pentre Road and the county boundary in Pontarddulais. The scheme will, on completion, provide a walking and cycling route from Pontarddulais to existing infrastructure, ultimately linking to the National Cycle Network route 4. The route will also facilitate a safer commuter route for children to use going to and from schools in the area.

The scheme is proposed by City and County of Swansea and will be constructed by the same.

The scheme will enhance sustainable travel in and around Swansea in line with the aims of the Active Travel Act 2013.

I recommend that no highway objections are raised to the proposals.

Council's Drainage Officer:

We have reviewed the submitted information which has not provided any SuDS design information as required, nor is there any design information on the proposed new culvert crossing or bridge.

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Due to the poor quality of the submission and lack of information the Authority must object to the application pending the submission of further details on both SuDS and watercourse works.

Cadw:

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

- GM096 Hendy Castle Mound
- GM097 Hendy Earthwork
- GM200 Llandeilo Castle Mound
- GM415 Site of St Teilo's Old Parish Church, Llandeilo, Talybont (now removed to St Fagans)

This planning application is for a shared use footpath/cycle link on the disused rail track at Pentre Road, Pontarddulais.

The application area is located inside 700m of the above scheduled monuments: However, much of the proposed footpath/cycle track will follow a former railway line and existing paths. Where a new route is required then minimal construction works will be required.

Therefore given the distance from the scheduled monument the actual proposed footpath/cycle track will not be prominent. When in use walkers and cyclists may draw attention to the route but this will not alter how the scheduled monuments are experienced, understood and appreciated. Consequently the proposed development will not have any impact on the settings of the above scheduled monuments.

Network Rail:

Network Rail have no objection in principle to the above application.

The Coal Authority:

The Coal Authority Response: Material Consideration

I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that a coal outcrop runs through the northern area of the site and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

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As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal, it does not appear that erection of cycle/pedestrian transport link, and associated fencing will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

However, the Coal Authority does recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note on any planning permission granted:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

Natural Resources Wales:

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species and pollution prevention. If this information is not provided, we would object to this planning application. Further details are provided below.

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Protected Species - Bats

- 'Grovesend to Pontarddulais Cycle Route. Dormouse, GCN and Badger Survey Report.', dated September 2020 by David Clements Ecology Ltd;
- 'Pontarddulais. Preliminary Ecological Appraisal.' Revision 2, dated April 2019 by Sustrans
- Drawing No. R506_04 Planning LP: 'Pontarddulais Cycle Link - Location Plan', dated 02/20;
- Drawing No. R506_Planning TS: 'Pontarddulais Cycle Link - Typical Section', dated 04/21;
- Drawing No. R506_Planning TS: 'Pontarddulais Cycle Link - Typical Section', dated 04/21.
- Drawing No. R506_05 Planning GA_01: 'Pontarddulais Cycle Link - General Arrangement', Sheet 1, dated October 2020
- Drawing No. R506_05 Planning GA_02: 'Pontarddulais Cycle Link - General Arrangement', Sheet 2, dated October 2020 Sheet 4, dated October 2020

We note from the preliminary ecological appraisal (PEA) that the ground-based assessment of trees for roosting bats within 10m of the proposed route, was undertaken in October 2018, this is now over 3 years old and considered out of date.

Notwithstanding the above, we note from Section 4.4.6 that, 'The field survey identified a number of trees of moderate to high bat roosting potential. It is anticipated that the majority of these will be left undisturbed by the works, with the root systems considered and protected as part of the works. Any trees identified as having bat roosting potential which need to be removed will need to be subject to further ecological assessment and mitigation.'

Section 5: Conclusions and Recommendations states that, 'Several mature trees identified as having bat roosting potential will likely need to be removed'. Furthermore, we note from the Dormouse, GCN and Badger survey report (2020) that no further assessments/surveys of trees with bat roosting potential have been undertaken, as recommended.

Due to the transient nature of bat roosts in trees, we advise that any trees requiring felling or management works to facilitate the development, or woodland management proposals, should be preceded by an assessment for their potential to support roosting bats. For any trees categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) will be required in accordance with best practice. A detailed plan should be included which outlines which trees require felling and pruning, and their potential to support roosting bats. Should bat roosts be confirmed, we advise that an assessment of the impacts of the scheme on these roost sites and proposals to mitigate or compensate for them is included with the submission.

Protected Sites

Multiple watercourses run through the application site which are hydrologically linked to the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) and The Carmarthen Bay and Estuaries Special Area of Conservation (SAC) located approximately 500 metres away.

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Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires you, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

Your Authority must satisfy itself that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary, undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

Pollution Prevention

In order to inform the Habitat Regulations Assessment (HRA) we request that a Construction Environmental Management Plan (CEMP) be submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

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Flood Risk

Part of the proposed shared use path at its northern extent lies within flood zones C1 and C2 of the development advice map. However, the proposed use is unlikely to affect flood risk in the area and any measures to ensure safe management of the facility should be agreed by your Authority.

Ordinary Watercourses

As stated previously, there are multiple ordinary watercourses running through the site. If any works are proposed which will affect the flow within an ordinary watercourse (including culverting) the developer will require prior written consent from the Lead Local Flood Authority under the Land Drainage Act 1991. As you are aware, the Lead Local Flood Authority is the relevant Local Authority to the proposed development site.

Ancient Woodland

On the northern section of the proposed track the site will border ancient semi-natural woodland. The importance of Ancient Woodlands in Wales are recognised by Welsh Government and there are a number of policies and strategies to preserve, protect and manage these areas, such as the 'Woodlands for Wales: Strategy'; and 'Woodlands for Wales: Action Plan' accessible via the following link; <https://beta.gov.wales/forestry>.

Ancient woodland is also recognised in Planning Policy Wales Ed. 10 (Section 6.4.26). Any proposals should ensure appropriate measures are in place to protect the trees and to avoid losses or damage.

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.

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

Dwr Cymru Welsh Water:

The proposed development site is crossed by a several public sewerage assets including 225mm and 250mm combined public sewers and 250mm overflow pipe, with their approximate positions being marked on the attached Statutory Public Sewer Record. Moreover, the site is crossed by a strategic watermain asset in the form of a 600mm trunk main and would appear the proposed footpath/cycle link will be positioned directly above the asset. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs whereas this proposal, as per the submitted 'General Arrangement (Sheet 2 of 2)' (Drawing No. R506_PTL_100_02), indicates that the position of our watermain will restrict the development to such an extent as to render it impractical.

Accordingly, in the absence of any additional information for protection measures for our assets, we OBJECT and respectfully request the application is refused.

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Designing Out Crime Officer - South Wales Police

With reference to the above, I would have the following general observations to make:

Pedestrian/cycle routes should be designed to ensure that they are visually open, direct and well used. They should not undermine the defensible space of neighbourhoods and therefore should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

They should be, as straight as possible, well-lit and overlooked by surrounding buildings. In this case this may not be possible. It is important that the pedestrian has good visibility along the route of a footpath/cycleway.

In respect of the footpath/cycleway I would ask that where space permits, the footpath/cycleway be at least 3 metres wide (to allow people to pass without infringing personal space), with at least a 2 metre verge on either side.

Vehicular access, e.g. motor bikes, should be prevented onto the footpath/cycleway. In respect of the security fencing, consideration should be given for it to be weld mesh or expanded metal meeting the Loss Prevention Standard (LPS) 1175 SR1.

Publicity:

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of Site Notices on 2nd December 2021. The planning application was then re-advertised for 14 days on 26th January 2022 when the LPA became aware that one of the documents was not published on the website.

110 LETTERS OF OBJECTION were received which are summarised as followed:

1. Supportive of the cycle path in Pontarddulais but not through Coed Bach Park;
2. The route should go through the showground (option 1);
3. The shared footpath/cycle through Coed Bach Park will be dangerous for children, walkers, vulnerable adults and animals;
4. Horse riders should have access to the path;
5. The route would need to ask all cyclists to dismount through the park to ensure the safety of all users;
6. Loss of ancient woodland;
7. Ecological impact of the path through the second woods of Coed Bach Park;
8. Coed Bach Park is a green flag award area;
9. Anti-social behaviour with off-road bikes using the path;
10. Loss of privacy / noise and disturbance impact to residents of Llys Morfydd;
11. The proposed security fencing is an eyesore;
12. Access needs to be retained to the rear of properties fronting Hendre Road by the entrance to the show ground;
13. The misleading nature of the fragmented submissions for the transport link;
14. Lack of consultation;
15. Insufficient information provided by the applicant; and
16. The material impact of the proposals on land within our client's ownership.

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A PETITION OF OBJECTION was also received with 94 signatures opposing the cycle path through Coed Back Park for the following reasons:

1. Wildlife destroyed;
2. Potential danger to children, elderly and animals as well as cyclists;
3. Loss of hard work by the community to transform Coed Back Park;
4. No reason for the path to run through the park of this quality;
5. If riding a bike, cyclists should automatically dismount when riding through the park for safety reasons;
6. The path will become a race track causing serious injuries to all involved; and
7. There must be an alternative route that can be taken that is safe for all and protects our wildlife and community.

Pontarddulais Town Council:

Pontarddulais Town Council objects to the above proposal for the following reasons:

1. The area known as "2nd woods" in Coedbach Park is now a Green Flag award winning area and has been carefully restored over many years into a haven for wildlife. Replacing the wood bark paths in the woods with a 3m wide asphalt surface path would ruin the whole ethos of the woods as being an environmentally friendly, secure and quiet place where people have the opportunity to observe animals and birds forage for food.
2. The "2nd woods" is regularly used by adults and children, including toddlers, and also by dog owners for walking their dogs. The proposed route would introduce unacceptable hazards such as cycles travelling through the woods at speeds which would present a danger to small children, older walkers and dogs on leads and also to the cyclists themselves.
3. After emerging from the woods, the proposed route then would pass directly across the entrance to Pontarddulais Rugby Club ground and through the car park for the rugby club patrons. The clubhouse is also the site of "Our Place", a support organization meeting the needs of young people with special needs and some of which have reduced sensory awareness. Many of the young people assist Friends of Coed Bach constructing new wood bark paths and are frequently seen helping in the woods. The proximity of the path to the entrance of the rugby ground, the area used by the support organization and the car park for the rugby club patrons poses a significant risk of collision with passing cyclists.
4. Immediately after passing the entrance to the rugby field, the proposed route takes a sharp and very narrow left turn directly on to the perimeter path of the Pontarddulais Football field where spectators currently stand to watch the games. This area is narrow, and on one side of the path there is a small garden for toddlers known as the Fairy Glen, a garden primarily for very small children, and along the path behind the goalmouth, there are outdoor gym apparatus positioned along the length of the path. Cyclists travelling along this route and the general public would be in immediate danger of collision particularly during football games when spectators stand around the pitch.

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5. The alternative route - Option 1 provides not only a solution to reduce or even eliminate the potential hazards caused by potentially numerous modes of transport in a congested and narrow environment, but it also provides a thoroughfare route for the many who will use the path.

The Town Council is not opposed to the proposed shared use footpath/cycle link between Pentre Road and Tidal Reach but does oppose the proposed routing through "2nd woods" (Coedbach Park).

Woodland Trust:

Objection - direct loss of Ancient Woodland

As the UK's leading woodland conservation charity, Coed Cadw (The Woodland Trust) aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. The Woodland Trust owns and cares for over 100 sites covering more than 2,800 hectares across Wales and we have 500,000 members and supporters across the whole of the UK.

Loss of Ancient Woodland

The Woodland Trust objects to planning application 2021/3019/FUL on the basis of direct loss of an Ancient Semi Natural Woodland (grid ref: SN59290300), designated as such on the Ancient Woodland Inventory (AWI).

Natural Resources Wales' Ancient Woodland Inventory places woodland into one of four categories:

- Ancient Semi-Natural Woodland (ASNW) - broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years
- Plantation on Ancient Woodland Sites (PAWS) - sites which are believed to have been continuously wooded for over 400 years and currently have a canopy cover of more than 50 percent non-native conifer tree species
- Restored Ancient Woodland Sites (RAWS) - woodlands which are predominately broadleaf now and are believed to have been continually wooded for over 400 years. These woodlands will have gone through a phase when canopy cover was more than 50% non-native conifer tree species and now have a canopy cover of more than 50 percent broadleaf.
- Ancient Woodland Site of Unknown Category (AWSU) - woodlands which may be ASNW, RAWS or PAWS. These areas are predominantly in transition and existing tree cover is described as 'shrubs', 'young trees', 'felled' or 'ground prepared for planting'

Ancient woodlands ecosystems, and the soils on which they have developed, are of special importance because of their long history of ecological and cultural continuity. This contributes to ancient woodland being one of the most diverse terrestrial habitats in the UK. By definition, ancient woods are irreplaceable and cannot be replaced by new planting. Therefore, the loss of ancient woodland represents a permanent loss of biodiversity.

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All ancient woodlands come within the definition of priority woodland habitats listed in Section 7 of the Environment Act (Wales). The Environment Act places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and take all reasonable steps to maintain and enhance those species and habitats as listed in Section 7.

Policy

The Welsh Government recognises that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as a biodiversity resource through the publication of Planning Policy Wales version 11 (2021) (PPW 11).

We would like to note that in a letter to local authorities and national park authorities across Wales (dated 7 July 2020), Julie James MS, Minister for Climate Change, stated the following in respect of planning and post Covid-19 recovery: "It is my strongly held view that we must not sacrifice the principles of sustainable development and place making in the pursuit of economic recovery at any cost." We consider this a clear commitment from Welsh Government towards ensuring that future development in a post Covid-19 world respects and protects natural assets, such as ancient woods and trees.

In PPW 11, paragraph 6.4.26 states: "Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory."

Impacts on ancient woodland

This application is for a shared use footpath/cycle link between Pentre Road and Tidal Reach including security fencing and associated works. A section of the route approximately 100 metres in length (referred to as Option 1a in the Preliminary Ecological Appraisal) passes through ancient woodland. The cycleway then continues along the southern boundary of the same woodland.

We are particularly concerned about the following impacts:-

- Direct loss of ancient woodland to facilitate the proposed development;
- Root encroachment of trees within the ancient woodland from the construction of the cycleway;
- Noise, light and dust pollution occurring during both construction and operational phases;
- Adverse hydrological impacts from the compaction of soils and the introduction of hard-standing surfaces within the woodland;
- Where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- The intensification of the recreational activity of humans and their pets resulting in disturbance to breeding birds, vegetation damage, trampling and litter;

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- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.
- Development in ancient woodland can lead to long-term changes in species composition, particularly ground flora and sensitive fauna, i.e. nesting birds, mammals and reptiles. Adverse impacts would occur as a result of the removal of the ancient woodland, which contains valuable habitat, to make way for the construction of this proposal. Whilst we note that no trees will be felled as a result of the proposals, there will still be damage to the ancient woodland from the direct loss of ancient woodland soils and the siting of infrastructure within this site will constitute loss of available habitat. Ancient woodland soils are highly important environments as they have built up over hundreds of years. They support complex relationships between species above and below ground and are sensitive to change. Any development within the boundary of the ancient woodland will have a detrimental impact on these soil communities.

We note that Plan "General Arrangement Sheet 1 of 2" is not available on the Planning Portal. As such, it is not possible to review the specific details for the section of the path running through and adjacent to the ancient woodland. The plan entitled "Typical Cross Section" shows that the cycleway will be 2.8 metres wide through woodland and constructed of dense bitumen macadam on a sub-base.

The Preliminary Ecological Appraisal acknowledges that the proposals will result in significant direct and indirect impacts to the ancient woodland . It concludes that there will be a permanent loss of ancient woodland, and although the overall area of habitat loss is not considered to be high, the high value and sensitivity in which it is situated will reduce the existing structural and species diversity of the habitat. The report recommends compensation measures. However, by definition, ancient woods are irreplaceable and cannot be replaced by new planting. The loss of ancient woodland represents a permanent loss of biodiversity.

Mitigation

An alternative route for the cycleway should ensure that it does not pass through ancient woodland. Any newly constructed paths should allow for a buffer zone of at least 15 metres to avoid root damage and to allow for the effect of pollution from the development.

It has not been possible due to a lack of supporting information to assess whether it is proposed to widen the existing track running adjacent to the southern boundary of the ancient woodland. Currently it would appear that this track is approximately 10 metres from the woodland for the majority of its length with some areas much closer. It should be ensured that any new works in this area to construct a cycleway provide a 15 metre buffer to the adjacent ancient woodland.

It has also not been possible to assess the section of path running through the south-west corner of Coedbach park, which is also designated as ancient woodland on the Ancient Woodland Inventory (AWI). We would be grateful for clarification on whether any new construction work is proposed for this area.

Finally we note that the Preliminary Ecological Appraisal states that "a single very mature, potential veteran oak tree was identified on the southern edge of Coed Bach Park. The tree was of large diameter (1.5m+ dbh) and showed signs of crown dieback, which is a common feature of ancient or veteran trees - Target Note 16, Fig. 1.4."

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Again, we have not been able to find further details in relation to this tree and would request that any newly constructed paths in this area ensure an adequate root protection area of 15 times the stem diameter, or five metres beyond the crown (whichever is greater).

Conclusion

Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Trust objects to this proposal due to the direct loss of this irreplaceable habitat.

Swansea Tree Forum:

Swansea Tree Forum would like to note our objection to the above application.

The Forum is objecting to this application as a Tree Impact Assessment and a working method statement has not been provided for the site even, even though the application states there are trees on-site and the proposed works take place in ancient woodland. We note that the ecological report raises concerns regarding direct and indirect impacts.

We note that cause for concern has been passed on to the Woodland Trust campaign team regarding a threat to ancient woodland.

The Forum is also disappointed that, as this is an application from the Council, the forum would have expected that it to have adhered to best practice and included a Tree Impact Assessment and working method statement.

The Forum are concerned that a similar cycle scheme on the Mayals Road caused damage to retained trees and the works stated here could do the same. Without a Tree Impact Assessment and working method statement it is not possible to assess the work's effect on trees.

As this application provides no tree information it is therefore contrary to Swansea's own Trees, Hedgerows and Woodlands Supplementary Planning Guidance and the Forum objects.

We would further encourage Swansea Council to consult directly with Swansea Tree Forum on such applications in the future.

We further note resident's support for adopting 'Route 1' instead of the proposed route, which would avoid potential impacts to the ancient woodland within Coed Bach park.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the proposed development having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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Principle of Development

LDP Policy CV2 seeks to ensure that outside defined settlement boundaries, development should ensure that the integrity of the countryside is preserved and enhanced. There is a presumption against development in the countryside except where it meets specified criteria.

The Policy includes at criterion (vii) necessary infrastructure provision and enhancement of infrastructure networks. The proposal to facilitate a shared footway/cycle way (mostly utilising a disused railway line and existing paths which would link the route in to established networks) is considered to accord with this criteria.

Moreover, the principle of Active Travel, is embedded within and thus supported both by the Local Development Plan (Policy T 2 Active Travel) and National Planning Guidance (PPW edition 11). The Active Travel (Wales) Act 2013 makes walking and cycling the preferred journeys, particularly everyday journeys and the Act requires local authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work education, services and facilities (PPW para 4.1.27).

Heritage Considerations

The application site falls within approx. 700m of several scheduled monuments as detailed in CADW's consultation response. However, the proposed footpath/cycle track will largely follow a former railway line and existing paths.

Given the separations distances involved from any scheduled monuments, the actual proposed footpath/cycle track will not be prominent. When in use, walkers and cyclists may draw attention to the route but this will not alter how the scheduled monuments are experienced, understood and appreciated. Consequently, and as advised by CADW it is considered the proposed development will not have any impact on the settings of any scheduled monuments.

Visual Amenity

In terms of visual amenity, there are no substantive issues of concern raised. Given the nature of the proposal, which follows for the most part, the routes of a redundant railway line and existing paths, it is not considered to represent any particular issues in terms of any harmful impacts on the surrounding area. The proposal is to create a 2.5m - 3m width path with an all-weather surface where possible, with minimum head clearance of 5m. It is anticipated that the minimum work footprint to create this path would be 5m when machinery is being used or 3m where sections are being built by hand through the Ancient Woodland to prevent any tree root damage. The proposed security fencing is not considered to give rise to any issues given their sympathetic scale (provided it is not palisade fencing), however final details regarding design will be controlled via a condition. Similarly, no details have been provided to date about the proposed new bridge and culvert over the stream and a condition would be required to secure the final details of these as well in the interests of visual amenity.

Overall, the proposal is not considered to give rise to any harmful visual amenity impacts, in accordance with LDP Policy PS2 and CV2.

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Residential Amenity

Turning to residential amenity, there are also considered to be no substantive issues of concern. In respect of residents on Llys Morfydd, the disused railway path runs alongside the rear boundaries of properties on the west side of Llys Morfydd. This route is used as an informal path by the community and is set down at a lower level to these properties by approximately 0.5m. Given the level difference, coupled with the existing boundary treatment which comprises of 1.8m high close boarded timber fencing along the rear boundaries of these properties as well as the proposed 1.8m high security fence along the edge of the shared footway/cycleway, it is not considered that the proposal would result in any unacceptable overlooking/loss of privacy impact of the rear of these properties by users of the path. In respect of noise and disturbance, as already noted, the disused railway line is currently utilised as an informal path by the community and as such, it is not considered that formalising the path would give rise to an unacceptable level of noise and disturbance to the detriment of the occupiers of Llys Morydd over and above the existing situation.

On this basis, the proposal is not considered to give rise to any harmful residential amenity impacts, in accordance with LDP Policy PS2.

Access and Highway Safety

The proposed scheme has been designed internally (CCS) to current British Standards and technical specification. The scheme will provide a shared use footway / cycleway route from Pontarddulais to existing infrastructure, ultimately linking to the National Cycle Network route 4. The route will also facilitate a safer commuter route for children to use going to and from schools in the area. Therefore, the Local Highways Authority has raised no objection to the proposal.

Land Stability

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that a coal outcrop runs through the northern area of the site and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal, it does not appear that creation of cycle/pedestrian transport link, and associated fencing will require substantial foundations or earthworks. On this basis, the Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

It is however recommended that, should planning permission be granted for this proposal, an informative note be added to any decision. This will be included. On the basis of the above the proposal would not conflict with LDP Policy RP7.

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Trees

Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity. LDP Policy ER 11 also seeks to protect such areas from development. Planning Policy Wales (6.4.26) states that "Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss."

Several objections refer to the impact of the development on ancient woodland including correspondence received from The Woodland Trust and the Swansea Tree Forum.

It is likely several trees will be removed to facilitate the path construction (although it should be clarified that this does not include ancient woodland trees). The path can meander to avoid any significant trees and replanting can mitigate removals.

In respect of the section through woodland listed on the Ancient Woodland Inventory, within Coed Bach Wood (ASNW), it is noted that the existing woodland path, which would be utilised, is significant and at least 4m wide in places and is 'surfaced' with a significant depth of woodchip mulch. The Council's Tree Officer has commented that the structure of the woodland is poor with little understorey. As noted earlier in the report, the existing woodland path through Coed Bach Woods would be repurposed to allow for a shared use footway / cycleway path. All trees would be retained and all work completed by hand to ensure that there would be no disturbance or potential damage to ancient woodland trees and soils.

The Council's Tree Officer has been consulted and on the basis of the above, no objection is raised to the proposal subject to a tree protection plan and arboricultural method statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. The proposal is therefore not considered to have a significant impact on trees that can be mitigated and would not result in significant loss or deterioration of ancient woodland.

Ecology

The application site is located within the Coedbach Park Site of Importance for Nature Conservation (SINC) and Waungron Marsh SINC. The applicant has submitted a Preliminary Ecological Appraisal, Dormouse, GCN and Badger Survey Report, together with a Badger Mitigation strategy.

NRW raised concerns regarding protected species specifically bats and pollution prevention. In respect of bats, the Council's Ecologist has met on-site with the applicant's externally appointed Ecologist and agreed that large trees could be avoided and there would be minimal scrub clearance.

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In addition, the proposal would not lead to loss of any trees or other flora within Coed Bach Park. On this basis, it is not considered necessary to request further ecological assessments/surveys to be undertaken. Nevertheless, it is recommended that a precautionary method of working is adopted with regards to bats in the form of an ecological watching brief during any tree removal.

Moreover, the external ecologists undertook dormouse, great crested newt and badger surveys along the previous route (planning application 2021/1136/FUL refers) which included the edge of the ancient woodland and a pond within the woodland and did not find evidence of these species. Therefore it is not considered that protected species will be negatively impacted as long as sensitive lighting is used. The condition for an ecological watching brief during all vegetation clearance will further reduce the potential for any impacts on protected species.

Multiple watercourses run through the application site which are hydrologically linked to the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) and The Carmarthen Bay and Estuaries Special Area of Conservation (SAC) located approximately 500 metres away.

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the LPA to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

The Council's Planning Ecologist has undertaken an Appropriate Assessment of the scheme. This has concluded that the proposed development is unlikely to have an adverse impact upon the on Carmarthen Bay and Estuaries EMS as the proposal is not likely to undermine the site's conservation objectives, provided that a CEMP (to be conditioned) and drainage strategy (SAB) are implemented and adhered to throughout all project phases. The conclusion has been shared with NRW who have confirmed they are in agreement with the conclusions.

In terms of ecological enhancements 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 must be demonstrated. Policy ER9 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.

In addition to the above, the Council's Planning Ecologist has suggested a number of conditions and informatives which have been incorporated into this decision, where necessary and relevant, to ensure that the proposed development does not have a negative impact upon the wider ecology of the area and SINC designation.

Drainage / Flood Risk

The development is required to be SUDS compliant through a separate SAB consent. 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.

In respect of the design information on the proposed new culvert crossing or bridge, the applicant has advised that the detailed design of the crossing would be developed along with the Council's SAB Team.

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Currently it is believed that the watercourse is piped under the existing path and a review will be undertaken in due course on whether this needs upgrading or solely new surfacing over. These works would be subject to condition with details needing to be agreed by NRW, the Council's Drainage Officer and The Bridges and Structures Team . Additionally, to undertake culverting works, further consent will be required under the Land Drainage Act 1991 (as amended) irrespective of any other permission given. The applicant will be advised of this responsibility via the imposition of an informative.

Part of the proposed shared use path at its northern extent lies within flood zones C1 and C2 of the development advice map. However, NRW has advised that the proposed use is unlikely to affect flood risk in the area and any measures to ensure safe management of the facility can be agreed by the Authority.

DCWW has advised that the site is crossed by a number of their assets including 225mm and 250mm combined public sewers and 250mm overflow pipe. Moreover, the site is crossed by a strategic watermain asset in the form of a 600mm trunk main and would appear the proposed footpath/cycle link will be positioned directly above the asset. DCWW have therefore objected to the application.

In response to DCWW's correspondence, the applicant has indicated that records of Welsh Water's plant and equipment were obtained via direct web access to their records as part of the design process. For the majority of the footpath/cycle link, the existing DCWW apparatus is on the west side of the former railway embankment and outside the extents of work. This was confirmed at the southern limits of the remaining railway embankment with recent works undertaken by Wales & West Utilities in the former railway embankment location when they undertook emergency repairs to their high pressure gas main entailing deep excavation within the embankment. However, to the north approaching the culvert, immediately south of the housing development, the water main on DCWW records indicate that the main is located further to the east on the railway embankment and continues on this alignment fronting Llys Morfydd. In this location, the footpath/cycle link to the west of the former railway embankment would avoid impacting on Hygrove development land and a route that the developer are currently using as a haul road to their development site. Following construction of the footpath/cycle link, only infrequent access will be required for maintenance with minimal loadings. The new walking and cycling route will become public highway maintainable at the public expense and DCWW will have permitted rights in accordance with the Highways Act. On this basis, it is not considered that the proposal would have a detrimental impact on the continued operation of DCWW's assets.

Notwithstanding the above, it is recommended to include informative notes to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets; and to advise the applicant to liaise direct with DCWW prior to the commencement of any works.

Other Issues

The Council's Ecologist has requested the inclusion of an invasive non-native species (Japanese knotweed/Himalayan Balsam). It is recommended to include a condition to this effect.

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Response to Consultation

The issues raised in respect of the impact of the development on visual and residential amenity, ecology and loss of trees have been addressed within the main context of the report. In respect of concerns raised to the loss of ancient woodland, it is reiterated that no woodland will be lost. The concerns regarding the safety issues of the proposal are acknowledged but are not considered to warrant refusal of the application. The Local Highways Authority has been consulted and has concluded that the proposal raises no highway safety issues. The proposal would not restrict access to the rear of properties fronting Hendre Road. In respect of anti-social behaviour, this issue is generally considered to be a separate matter handled by the police who have adequate powers to take action should a nuisance arise and consideration must also be given to the existing informal use of the route.

Many responses received note that the proposal should take an alternative route through the showground (known as option 1) and not through Coed Bach Park. The need to consider alternative sites only applies in exceptional circumstances, which includes major retail, leisure, office and other key town centre uses, telecommunications developments, gypsy sites, minerals and waste proposals and certain other projects of national or regional significance. As the proposal does not fall within such categories and given there are no clear planning objections to the proposal, it is therefore not appropriate to refuse permission on the grounds that there may be a more suitable route elsewhere.

In respect of use by horses/as a bridleway the scheme has been developed as part of the Active Travel (Wales) Act 2013. Active travel is a term used to describe walking and cycling for purposeful journeys to a destination, or in combination with public transport. The definition of an active travel journey therefore includes travel to work, travel to school and other educational facilities, travel to the shops, travel to leisure facilities, travel to public transport interchanges and so on. The definition of an Active Travel Route excludes those for purely recreational use. Equestrianism is overwhelmingly for leisure purposes rather than as a mode of transport as it rarely displaces a car journey. The Active Travel Act Guidance Policy and Strategy document (July 2021) states that forms of equestrian travel (horse riding, carriage driving, pony and trap etc.) are not considered forms of active travel.

Article 12 of the DMPO (Wales) set out minimum statutory requirements relating to publicity for planning applications, beyond which local planning authorities have discretion about how they inform communities and other interested parties about planning applications. The applicant has undertaken a number of formal and informal consultations. Two meetings were convened in the town hall where local residents were invited to provide community inclusiveness in relation to development of the original proposals along with a meeting on site to discuss land ownership with the Pontarddulais Showground trust. Consultations have also been undertaken and are ongoing with Friends of Coedbach Park to provide communities benefits to the park area. Local ward members have also been consulted.

The planning application does not qualify as a major development and therefore the LPA is only required display a site notice or notify adjoining owners/occupiers by letter. The LPA is also required to publish information about the application on the planning authority website. To this end, four site notices were displayed along the proposed route as was the publicity exercise undertaken for the previous application.

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The planning application was then re-advertised on site for 14 days when the LPA became aware that one of the documents was not published on the website. Therefore it is considered that the LPA has taken all reasonable steps to ensure that the community and all other interested parties have the opportunity to comment on the planning application.

In respect of land ownership, the applicant has signed Certificate B in this instance, and the application form indicates a number of ownership certificates have been served. The applicant has also confirmed that the Council have appointed the Valuation Office Agency to act on its behalf in respect to land issues along the full length of the route with the intention to acquire ownership title of all required land and this is in progress.

Conclusion

The proposal will provide benefits as a segregated walking and cycling route and forms a part of meeting obligations under the Active Travel (Wales) Act. Having regard to all material considerations, including the Human Rights Act, it is considered that the proposal is considered to represent a satisfactory form of development in compliance with Policies PS2, CV2, ER2, ER6, ER8, ER9, ER11, T2, T7, RP4 and RP7 of the Swansea Local Development Plan (2010-2025).

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 assessing this proposal, 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;

- 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 (R506_PTL_LP_01), typical cross section (R506_PTL_TS_01), general arrangement sheet 1 of 2 (R506_PTL_100_01) and general arrangement sheet 2 of 2 (R506_PTL_100_02), received on 29th November 2021. Typical no dig section Pentre Park to Coed Back Park (R506_PTL_TS_02), received on 8th February 2022.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 No development approved by this permission shall commence until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include site-specific measures which will be put in place to prevent pollution to the surrounding land and water environments.

The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species/habitats on site, the mitigation measures in place and the procedures to follow should any be discovered

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

Reason: To conserve public health and local amenity, protect controlled waters and protected species, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities of the area.

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- 4 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policy ER 9 of the Swansea Local Development Plan (2010-2025).
- 5 Prior to the commencement of development, an Invasive Non-Native Species (INNS) Method Statement shall be submitted to and approved in writing by the Local Planning Authority, detailing methods of avoidance, containment or removal in order to avoid the spread of INNS during construction works. The development shall thereafter be undertaken in accordance with the approved INNS Method Statement.
Reason: In the interests of the ecology and amenity of the area.
- 6 All vegetation clearance works shall be undertaken in accordance with an Ecological Watching Brief to be submitted to and approved in writing by the Local Planning Authority before development works commence on site.

Should evidence of any European Protected Species (i.e. bats, dormice, great crested newts, and otter) or new evidence of badgers be found during vegetation clearance works or construction works, all works must cease until the advice of a suitably qualified ecologist or Natural Resources Wales is sought.

Reason: To minimise impacts on protected species and designated Sites of Importance for Nature Conservation during construction works.
- 7 Prior to the installation of any external lighting, a sensitive lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should aim to protect bats and other nocturnal species. The strategy shall include a detailed plan and specify lighting type, specification, direction, height and lighting levels in lux/UV.

The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting> and lighting should be below 3000K.

Any external lighting shall be carried out in full accordance with the approved lighting design strategy and shall be retained as such thereafter.

Reason: In the interest of ecology and biodiversity.
- 8 Notwithstanding the submitted details (as shown on general arrangement sheet 1 of 2 (R506_PTL_100_01) and general arrangement sheet 2 of 2 R506_PTL_100_02)), no development shall take place until a plan indicating the positions, height, design, materials and type of security fencing to be erected along the footpath/cycle link shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be completed as approved and shall thereafter be retained as such.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

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9 No development shall take place or site clearance until a scheme for the protection of the trees on the land, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area.

10 No development shall take place or site clearance until a scheme to mitigate for the loss of SINC habitats, and an Implementation Timetable, is submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To enhance the nature conservation interest of the site.

11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

12 Notwithstanding the submitted details, no development shall take place until details of the proposed new bridge structure over the stream as annotated on the approved general arrangement sheet 1 of 2 (R506_PTL_100_01) are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the visual amenity of the area.

13 No works shall be undertaken to the culvert as annotated on the approved general arrangement sheet 1 of 2 (R506_PTL_100_01) until full details are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the visual amenity of the area and ensure any works are acceptable from a biodiversity, structural integrity and drainage perspective.

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Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of this application:
Policy 1 - Where Wales Will Grow
Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking
Policy 9 - Resilient Ecological Networks and Green Infrastructure

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, ER2, CV2, ER6, ER8, ER9, ER11, T2, T7, RP4, RP7.

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

- 3 A suitably qualified ecologist should be present during all vegetation clearance works on site. Should evidence of any European Protected Species (i.e. bats, dormice, great crested newts, and otter) or new evidence of badgers be found during construction, all works must cease until the advice of a suitably qualified ecologist or Natural Resources Wales is sought.

4 Bats

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (01792 634960 / 0300 065 3000).

5 Breeding/nesting birds

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

- 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; and
- Take or destroy an egg of any wild bird.

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

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No clearance of trees, shrubs or scrub shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

6 Reptiles & Amphibians:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure reptiles. If widespread reptile species are encountered (common lizard, slow worm, adder or grass snake), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles to a suitable habitat.

7 All trenches and excavations must be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

8 It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

9 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.

10 Invasive Non-native species (INNS)
It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

11 The proposed development is crossed by a number of DCWW assets. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

12 If any works are proposed which will affect the flow within an ordinary watercourse (including culverting) the developer will require prior written consent from the Lead Local Flood Authority under the Land Drainage Act 1991.

13 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

14 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (01792 634960 / 0300 065 3000).

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Item 5

Application Number: 2021/3149/FUL

Ward: Oystermouth - Bay Area

Location: Mumbles Promenade And Sea Wall , Mumbles , Swansea

Proposal: Construction of coastal flood defense scheme along existing sea wall / revetment, including works to the promenade to allow footpath/ cycleway widening, public realm improvements including hard / soft landscaping and rationalisation of car parking

Applicant: Mr David Hughes City and County Of Swansea Council



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Item 5 (Cont'd)

Application Number:

2021/3149/FUL

Background Information

Procedural

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

Introduction

The planning application is for a scheme of coastal defence works and public realm improvement along Mumbles Bay specifically in Mumbles.

Background to the Proposed Development

Mumbles has an existing sea wall and revetment that extends from approximately Ripples Café (on Mumbles Road) in the northeast to Mumbles Pier in the southeast that provides flood and erosion risk management. The application site boundary measures approx. 1.1 kilometres of the existing sea wall extending from Knab Rock to a point North of Oystermouth Square and the Dairy Car Park.

It is indicated that surveys have identified signs of structural deterioration of the existing defences and remedial measures are required. Some of these existing defences are in a poor condition and at risk of not only coastal flooding but also subject to tidal overtopping. The associated flood risk level is expected to increase in the future due to predicted sea level rises (estimated at 0.39 metres between 2021 and 2070). This, in addition to the fact that the existing defences are showing signs of deterioration, would put several properties in Mumbles at risk of flooding. In addition to the risk of flooding to properties, significant transport disruption would be experienced as Mumbles Road would become impassable, restricting access to residents and amenities at Mumbles Head including Mumbles Pier and Royal National Lifeboat Institution (RNLI) services.

The Mumbles' long-term plan is in line with the Shoreline Management Plan 2 (SMP2) to 'hold the line' which essentially aims to maintain and upgrade existing defences along their current alignment.

Application Site Context

Mumbles foreshore is designated as part of the Blackpill, Swansea Site of Special Scientific Interest (SSSI), Bristol Channel Approaches Special Area of Conservation (SAC) and Swansea Bay Site of Importance for Nature Conservation (SINC). The SSSI designation is primarily due to its importance as an overwintering site for large numbers of wading birds.

The application site is located within Seascape Character Area (SCA) 8 Swansea Bay West and part of the wider Seascape Character Type (SCT) 11 Marine. Mumbles Conservation Area covers almost the entirety of the seafront, stretching from Norton Road, to just east of Verdi's Café. The flood defence scheme sits within the boundary of the conservation area. Part of the proposed working area for the scheme at the foreshore is within an area of high archaeological interest, with peat deposits recorded close to the sea wall.

Description of the Existing Defences and Promenade

Mumbles promenade is currently retained by two forms of primary and secondary coastal defences. The primary defences comprise a 0.5km long concrete vertical sea wall in the northwest and a 0.7km long sloping revetment in the southeast.

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The primary defence sea wall is constructed of mass concrete and the revetment is masonry encased in concrete. The secondary defence comprises low boundary flood walls approx. 0.7 - 1.0m in height, also present along the frontage but set back from the promenade to protect residential and commercial properties. The secondary defences are generally in the form of a setback masonry wall, although to the northwest a grassed embankment is present behind the promenade, also providing the secondary defence.

The application site also includes Mumbles promenade that runs along the length of the scheme. The promenade allows for public access (both pedestrian and cycle provision) to Oystermouth Car Park, Oyster Wharf, the tennis courts and bowling green, Southend Gardens, Hennebont Gardens and Pilot Slipway. Access to the promenade from various locations is maintained through gaps. Stop logs are operated by CCS to control water flow during periods of higher tides (when sea levels are expected to exceed 4.6m AOD).

In addition, the existing promenade is typically 5 to 6m wide. However, there are locations between Oyster Wharf and Knab Rock where the promenade narrows to less than 4m, which is substantially less than the desired 6m for pedestrian and cycle capacity, and the land train. Therefore, the scheme presents opportunities to improve the promenade width to better incorporate it with the surrounding leisure, recreation and tourism facilities.

Proposed Development

The proposed development will comprise a series of coastal flood defences along Mumbles Bay. The series of works will include three main sections; the encasement of the existing seawall with stepped apron and steel sheet piled toe; the construction of new sea wall and parapet, aligned seaward of the existing structure with stepped apron and steel sheet piled toe; and the encasement of the existing inclined revetment structure with parapet and a steel sheet piled toe.

The scheme provides 1 in 200 year standard of protection with an allowance for climate change to 2070. The design of sections B and C would increase the parapet crest level and therefore the scheme also raises the levels of the promenade where necessary to ensure views across the bay are not compromised.

The scheme seeks to provide not only a flood defence betterment, but also wider benefits for regeneration and tourism. Works include widening of the existing promenade to create a segregated pedestrian footpath and cycleway. This will improve connectivity and accessibility, and promote sustainable active travel. Other public realm improvements include improved seating, views and connectivity, with enhanced hard and soft landscaping. These will provide visual improvements to the area, creating a sustainable and attractive waterfront - an asset to the local community and an attraction for visitors.

Response to Consultations

Pre-application Consultation - PAC

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

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Statutory Consultation

The application was advertised on site and in the local press on 20 December 2021. 15 LETTERS OF OBJECTION have been received. The main points may be summarised as follows:

- Pedestrians should be nearest to the sea who have more opportunity to enjoy the view of the sea - Cyclists naturally travel faster and are usually not meandering to take in the scenery.
- Lets not turn the Mumbles village character into that of another Blackpool: No builds higher than two stories - No amusement arcades (other than on the pier) No night clubs;
- Preserve the bowling green and tennis courts
- Sea Angler friendly
- The wall should not follow the existing line but should be more ambitious and push out to reclaim land to create more space in such a cramped environment.
- Swansea and tourism in general needs the promenade needs to go out 25m to accommodate future pedestrian cycling and leisure traffic and recreational use.
- The seawall itself needs to be designed to facilitate future height increases.
- Older population of Swansea requires a `Changing Places Toilets`.
- Also, there needs to be more drinking water facilities, and mobility scooter charging points, more public telephones, better public lighting.
- Residents in Southend use the car park and have car parking permits - this needs to be addressed before the proposal goes ahead.
- There is no clear plan for the tennis courts (apart from using them as a contractors site compound) in the Design and Access Statement. References are made to using the area for parking and as a new flexible use space but it is all very vague.
- While understanding the necessity to enhance and repair the current sea wall and revetments, it appears other matters are being added to complicate the application, leaving one in a position where although agreeing with much of the proposals others could be seen as detrimental or unsympathetic to the area.
- Materials should be higher grade than tarmac.
- If the tennis courts are being used as a temporary depot for materials an agreement should be forthcoming that they are returned as a public amenity, fully refurbished and usable when the work is completed, this should be part of the development programme agreed and signed by CCOS stating their future intentions as per previous promises concerning the tennis courts.
- Parking appears to be lost with the proposed works.
- Hardy flowering bushes or evergreens need to be used along the foreshore that provide not only a habitat for wildlife but also a pleasing outlook for those using the promenade.
- Provision made to retain boat parking due to their history, heritage and culture of area.
- A shared path as proposed should work for slower cyclists but a clear defined route for the serious cyclists should be produced and implemented along the Mumbles Rd with caution signs for motorists warning of cyclists on the road.

Swansea Wheelrights

- Cyclists will cognitively ride on the seaward side of the shared use section avoiding the landward 2m. Cyclists are approaching from Swansea on the landward side and many people want to walk on the seaward side to enjoy the view, the reason most come there.

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- The provision of cycle parking and repair stations will encourage cyclists to stop and walk - I don't think so for the majority.
- Using the road will allow cyclists to "fast track" the shared use. This route has traffic, parking, crossings and a 20mph restriction will make no difference.
- The "artists' impressions show a greatly distorted picture of the space available for shared use.
- Much of area in front of the Oystermouth Development is still registered highway and has not been stopped up. This may not have implications for you at this stage but the current location of table "bubbles" have been located there and I think you are affecting it.
- The current lack of identified crossing places is a major safety concern and pedestrian priority at these locations is essential and you have indicated some. The car parking at the southern end of section A is permeable across the cycling side of the segregated path. Do you intend fencing it?
- At the Southern end of section C the path narrows around Verdi's where it is very congested and probably the worst part of the route. There is no provision for joining the road or continuing past Verdi's on the seafront and continuing to the Pier Rd. whilst this is beyond your declared project it should be a consideration.

CADW - - Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

Assessment

Scheduled Monuments

GM007 Oystermouth Castle

GM132 Caswell Cliff Fort

GM374 St Peter's Chapel & Well, Caswell Bay

GM464 Clyne Wood Coal Level

GM475 Clyne Wood Arsenic & Copper Works

Registered Parks and Gardens

PGW (Gm) 47 (SWA) Clyne Castle (grade I)

This planning application is for the construction of a coastal flood defence scheme along existing sea wall / revetment, including works to the promenade to allow footpath/ cycleway widening, public realm improvements including hard / soft landscaping and rationalisation of car parking at Mumbles Promenade and Sea Wall, Mumbles, Swansea.

The planning application is accompanied by a heritage desk based assessment produced by JBA Consulting. This has considered the impact of the proposed development on the designated historic assets including those above and concluded that there will be no impact on their settings. We concur with this conclusion.

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

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We have consulted the regional Historic Environment Record (HER) and note the submission of a Heritage Desk-based Assessment by JBA Consulting (report no. RP-HE-0001-S4-P04, dated December 2021). The application is located in an area of archaeological potential, with possible impacts on peat deposits, slipways and potential remains associated with the Mumbles Railway and Dunn's Mansion. As a result two Written Schemes of Investigation (WSI) have also been submitted by JBA Consulting. The first details a Level 2 building record on the slipways (report no. SP-HE-0001-S4-P03, dated December 2021), the second details walkover surveys, exclusion zones, trenching and a window sample survey (report no. SP-HE-0002-S4-P03, also dated December 2021).

We concur that the proposed mitigation is appropriate. Therefore it is our recommendation that two conditions are attached to any consent granted by your Members. The first condition would ensure adherence to the mitigation set out in first WSI noted above for the requisite building recording.

The second condition would ensure adherence to the mitigation set out in second WSI noted above for the requisite walkover surveys, exclusion zones, trenching and a window sample survey.

Council's Drainage Engineer - a standard pre-commencement surface water condition is recommended.

Dwr Cymru Welsh Water - We note that our consultation response has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, which highlights several public sewerage and watermain assets crossing the proposed development site and, by response, refers to a previous meeting with Developer Services and agreed points including RAMS. With this in mind, and in the absence of any noted submitted details to date, we would request that Conditions and Advisory Notes are included, if minded to grant planning permission, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water assets.

Natural Resources Wales -

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species and landscape. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding a Construction Environment Management Plan should be attached to any planning permission granted AND the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

Documents:

- LDA design: Viewpoints from the Landscape and Visual Appraisal (August 2021).

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Marine licence

The proposal also required a marine licence under The Marine and Coastal Access Act (2009). The application was approved on 10 December 2021 reference CML2128. There were concerns raised through the Marine Licence application consultation regarding the impact of the development on marine mammals and birds. Two reports were subsequently submitted in order to address our concerns, namely:

- ARUP: Coastal Processes Conceptual Understanding Report (March, 2017)
- JBA: Coastal Processes Review Technical Note (March, 2021).

We advise that these reports are resubmitted to support the Planning Application which discusses the physical processes impacts.

We do not need to be re-consulted on these two documents as we have already reviewed them under the marine licence determination. However, both documents should also be included in the approved plans and documents condition on the decision notice.

Site of Special Scientific Interest (SSSI)

The development is within the Blackpill Site of Special Scientific Interest (SSSI) which is designated for its importance to feeding and roosting coastal bird species.

Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated.

We have considered the outline Construction Environmental Management Plan (CEMP) dated 13/9/2021 submitted in support of the application. The CEMP does not provide adequate information to assess the impact on the development on migratory birds (including Sanderling, Ringed Plovers and Oystercatchers) therefore a final version of the CEMP should be conditioned, which address these issues.

On the basis of the information submitted, we consider that the proposed scheme will, subject to the inclusion of conditions advised, avoid damaging the features for which the Blackpill SSSI is of special interest.

There is a condition on the marine licence (CML2128) requiring a CEMP prior to construction, this CEMP should also satisfy the requirements of the planning application.

Should you be minded to grant permission for the above planning application without attaching such conditions as described above to the permission, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

Construction Environment Management Plan

No development or phase of development, including site clearance, shall commence until a site wide, final version of a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Updates to the CEMP 3.0 should include:

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- Further information regarding Protected bird species, this should include a working method statement which minimises disturbance to feeding and roosting birds with the Blackpill SSSI;
- Further detail in the Biosecurity Risk assessment especially in respect of Marine Species.
- Pollution prevention: dirty water treatment facilities from the start of the project to deal with all contaminated surface water and water pumped out from within working areas. Management of suspended solids.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities

Landscape

The Gower Area of Outstanding National Beauty (AONB) lies approximately 100m to the south of the proposed development. We are in general agreement with the findings of the Landscape and Visual Appraisal (LVA) , prepared by LDA design, August 2021, and consider it unlikely that there would be adverse effects on the AONB. Effects looking towards the AONB are likely to be no more than negligible.

However, the figures that accompany the LVA are not included in the document and do not appear to be on your website. These include the representative viewpoints. This information should be provided as evidence for the conclusions and should be included in the approved plans and documents condition on the decision notice.

The Appraisal refers to Policy ER4: Gower AONB, of the Swansea Local Plan and to the Gower AONB Design Guide (Nov 2011). The Design Guide has now been updated and has been replaced with the Supplementary Planning Guidance : Placemaking Guidance for the Gower AONB. October 2021.

Observations on the LVA are noted below:

3.1 - A 1km radius study area has been defined for the assessment, which is considered acceptable. The proposals relate to 1.1km of the Mumbles Promenade between Oystermouth car park and Knab Rock. The existing coastal defences are largely degraded, with some exposed foundations. Open views of Swansea Bay are experienced from the promenade and much of the site lies within the Mumbles Conservation Area. The Wales Coast Path runs along the promenade and a public footpath (PROW MU9) links the southern part of the site with Mumbles Hill, which lies within the AONB and rises to 77m AOD.

3.2 - The Gower Landscape Character Assessment 2010 defines Landscape Character Area 33: Limeslade, which includes Mumbles Hill and the coastal landscape of Mumbles Head. Mumbles Hill is exposed common land enclosed to the north by the urban edge, with numerous informal paths and panoramic coastal views. There are some detracting features such as car parks, unsympathetic built form and leisure facilities and communications masts.

Although the Zone of Theoretical Visibility identifies theoretical visibility from the northern fringe of Mumbles Hill, the potential for indirect landscape effects are unlikely due to the screening effects of intervening buildings and vegetation on the hill. Views of the proposals are likely to be limited to glimpses and framed views from footpaths and seen within the urban context.

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The Seascape Character Area affected is SCA 8: Swansea Bay West, as defined in the Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment. The seafront at Mumbles is built up and man-made, having developed from the historic fishing village with boats, slipways, piers and lifeboat station to a predominantly leisure use, with the promenade, open spaces and leisure facilities. The bay is well used by leisure craft and the promenade very popular with walkers, cyclists and runners. There are views towards Mumbles Hill, Head and the lighthouse, which lie within the AONB and form a strong natural backdrop to the urban area.

3.4 - the Gower AONB is unlikely to be affected due to the limited intervisibility between the AONB and the site.

4.3 - there are likely to be minor adverse seascape impacts during construction, but these would be localised and temporary, and operational impacts are likely to be beneficial due to the public realm enhancements. The impact on views towards the promenade and Mumbles Hill are likely to be marginally affected by the increase in height (0-700mm) of the sea wall.

Protected Species

There are a number of known bat roosts in the area. We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

Flood Risk

We have reviewed the Flood Consequence Assessment (FCA) prepared by JBA Consulting, December 2021 and are satisfied these flood defence improvements along Mumbles promenade and sea wall will not increase flood risk and will provide betterment.

The FCA indicates that there will be some flooding behind the proposed defences due to wave overtopping in a 1:200 event (2170), therefore the Scheme does not meet the preferred option of a 1:200 Standard of Protection (S.O.P.).

The proposed scheme represents a considerable improvement to the existing standard of protection for the area and as the design will be of an "adaptive nature", further works could be carried out in 2070 to increase the S.O.P. which we would welcome.

Piling

Our comments are made on the assumption that no piling proposed. Please re-consult us if there are changes to the construction that introduce piling.

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Further response

Following the receipt of the documents:

- ARUP: Coastal Processes Conceptual Understanding Report (March, 2017)
- JBA: Coastal Processes Review Technical Note (March, 2021).

NRW were re-consulted.

Thank you for forwarding the documents, we asked for the documents to be submitted for completeness, however we have already reviewed the documents as part of the marine licence and provided the same advice for the planning application. Therefore we have no further comments.

The additional appendices for the LVA do not change our comments relating to Landscape. Again we requested they were submitted for completeness.

We still require the Construction Environmental Management Plan (CEMP) condition, which we note the applicant is agreeable to.

Pollution - Whilst we have no objections to these works, we do have a few concerns, mainly noise emission and their impact on the surrounding area. Having read through the CEMP, there doesn't appear to be a lot of information regarding noise levels or hours. It refers to BS5228 but does not go into detail as to what they're predicted noise levels may be and what mitigation they are proposing. Has a noise survey been carried out? As we know from recent experience, these type of works will be noisy and disruptive to local residents so we need to ensure the best practices are put in place to minimise any nuisance. Can you pass the following information onto the applicant for their attention (the hours are what we generally restrict sites to in Swansea, however, due to the tidal impact of these works it is understood hours may need to be discussed). If they are thinking about working under a CoPA 1974 s61 consent then we will need the application at least 28 days prior to works commencing.

Trees Officer - No objection. The trees adjacent to the wall will be unaffected.

New planting should wherever possible include some tree planting to give diversity in height. To ensure the nearest trees are not affected during construction please could you condition an updated tree protection plan, to include annotation on the positioning of the protective fencing.

Council's Planning Ecologist -

Protected Species: Five trees are recommended for removal. The PEA states that the majority of trees on the site were of low or negligible suitability for bats. However, if the 5 trees are to be removed, then confirmation of their suitability for roosting bats is required PRIOR to determination. If moderate or high suitability, then further bats surveys will be required PRIOR to determination.

Condition: All piling operations shall be "soft start" in order to reduce impacts on marine mammals. Works shall cease and an ecologist shall be contacted should any marine mammals be identified close to the application site during construction.

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Protected Sites: A marine licence will be required from NRW.

The HRA screening report concludes no likely significant effects on the Gower Ash Woods SAC or Limestone Coast of South Wales SAC. Arguably the Gower Commons SAC, Crymlyn Bog SAC, Kenfig Burrows SAC and Carmarthen Bay and Estuaries European Marine Site should also have been included within the assessment. However, it is considered that due to the large distance between the application site and these sites, there would be no likely significant effects on those sites either.

The application site is within the Blackpill, Swansea SSSI, therefore the applicant should notify NRW of the works and apply for assent under section 28H of the Wildlife and Countryside Act 1981.

The application site is within the Swansea Bay Site of Importance for Nature Conservation (SINC).

Condition: To reduce construction impacts on site, a defined haulage/access route shall be agreed with the LPA prior to the commencement of development on site.

Trees: The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal:
<https://www.swansea.gov.uk/treespg>

Landscaping: A full landscaping strategy will need to be submitted. Planting shall comprise native species of local provenance.

Bats / Birds: Please include the bats and birds informatives.

Condition: No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Hedgehog: Please include the hedgerow informative:

Condition: All trenches and excavations must be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Please include the Reptiles & Amphibians informative:

Lighting Strategy

Condition: A sensitive lighting strategy for the site must be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species.

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A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

Invasive Non-native species (INNS):

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

Condition: If any INNS are identified during construction, works must cease until an INNS Management Plan is agreed with the LPA. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

Condition: A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Sustainable Drainage (SuDS):

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

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Additional comments -

- The work must only take place during daylight hours as per details of CEMP
- The work MUST be supervised by a suitably qualified Ecological Clerk of works
- Condition: As per detailed in the CEMP, if the bowls/tennis clubhouse building has to be demolished, a preliminary bat roost inspection by a suitably qualified ecologist shall be undertaken prior to any works to the building.
- There is a document mentioned (4.1 of CEMP) but missing from submissions ie. SSSI Mitigation Strategy regarding enhancements and net gain for biodiversity. We require a copy of this to be submitted to the LPA for approval prior to any decision.
- The general arrangement plans indicate tree planting but no details are provided regarding species - these must be native species of local provenance, together with further details of the proposed various seed mixes, The species shall reflect those naturally occurring locally.

Highway Authority-

This application has been submitted following a Pre-Application Consultation (PAC) period. The Highway Authority submitted a formal response to the PAC and this is reproduced in full below. The submissions made within the application have been considered against the observations and issues raised as part of the PAC response. The update to the PAC observation is marked appropriately in the commentary below:

This scheme has been identified as part of Welsh Government's Coastal Risk Management Programme to mitigate coastal flooding in the Mumbles area.

Background:

The coastal defence works are proposed in conjunction with a suite of public realm improvements along Mumbles Bay, on behalf on Swansea Council.

The Pre-Application Consultation (PAC) Home Page includes the documents intended to be submitted for a draft planning application. This includes a Design and Access Statement, Outline CEMP, General Arrangement and Cross Sections. These have been reviewed and used to provide the PAC response.

In general, the Highway Authority is supportive of the principle of coastal defence measures. The key issues for our consideration are understanding the public realm works and ensuring these and the construction activity are safe and appropriate for the general public.

Proposed Changes to Existing Highways:

It has been reviewed that a number of highway alterations are proposed as part of the public realm improvements, in the main these are considered appropriate, subject to sufficient detail being provided for audit at the planning submission stage.

The changes include changing the operation of some sections of highway to one way working, which would likely be acceptable but insufficient information has been presented to allow a full consideration.

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At the planning submission stage we would expect to see full details showing the infrastructure proposed alongside existing infrastructure and how these would work together in the future. By way of example the proposed raised table junction at Promenade Terrace is adjacent an existing formal crossing which must be fully taken into account and the interaction considered.

It is assumed that the planning application will be submitted for full permission. This would require more detail on the highway arrangements. We do not require a detailed design, but do need to understand proposed and necessary junction markings, signage, speed treatment and surface treatment within any General Arrangements.

The proposed changes to the highway should be fully assessed using swept path assessments of the appropriate vehicles. The application package will need to demonstrate that the proposed changes are adequate and appropriate for daily use.

The information refers to existing access for boats and how these will be retained. We would wish to see the detail of each boat access area and these should be assessed with swept paths of the appropriate vehicles collecting or delivering the vessels.

Updated Response as part of this consultation:

There have been further discussions held and consideration given to the appropriate delivery process for these works. The Highway Authority could not enter into an agreement under S278 of the Highways Act with itself as part of Swansea Council. The Highway Authority is permitted to work on the adopted highway in the interest of the public.

We will require a planning condition that requires full technical approval to our normal rigid standards for design, assessment and full stages of road safety audit of the proposed highway changes prior to construction being permitted.

The proposed changes at the boat access areas will be fully assessed and designed to the satisfaction of the Authority.

"Proposed Construction:

The construction works should be carefully considered along this sensitive transport corridor. The draft CEMP has been reviewed and is noted to be detailed, as would be expected.

Given that there it is not considered that a Transport Assessment would be required, we would wish to see further detail within the CEMP. The traffic impact is vague at between 10 and 30 construction vehicles per day. This is not confirmed as HGVs or contractor vehicles and the activity detail not provided. There is discussion on some parking on site this will need to be confirmed and firm details for contractor parking set out. The measures suggested such as staggered work patterns or offsite parking and shuttle connections must be formally committed to.

In addition to further details on traffic movements and parking availability, the site access areas should be assessed with swept path manoeuvres using the appropriate vehicles. The Highway Authority would wish to see demonstration that areas set aside for construction activities are appropriate and can be accessed without detriment to the local area."

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Updated Response as part of this consultation:

During the consultation process discussions have been progressed into the use of the Quarry Hill Car Park. This parking area is the largest of the local long stay areas and has capacity for some 71 cars.

To ensure that construction parking, disruption to publicly available parking, construction compounds and traffic are appropriately assessed, and where required, mitigated, appropriate planning conditions will be required. We would require that a Construction Methods Statement or Construction Traffic Management Plan are secured. In addition to this a further layer of consideration and commitment will be required of the contractor in the form of a Delivery Management Plan. These will work to understand the impact upon public use of parking and the routes and identify appropriate measures and controls.

"Parking:

In addition to the temporary parking that will be required for construction, the application will provide permanent local parking facilities. We have reviewed the information submitted and would request further supporting information that clearly sets out existing parking provision, new parking provision and any net gain or loss in each area of works.

The proposed car parking areas should also subject to appropriate swept path assessments, taking into account proposed changes in the local highway network and any other access such as to boat store areas.

The parking accessed directly adjacent the highway should also be shown to work with swept path manoeuvres, both the parallel and angled parking.

Standard parking spaces should be provided at the dimensions of 2.6 metres by 4.8 metres, and this should be shown clearly. It is not clear if disabled parking will be provided, for information each bay should be a minimum of 2.4 metres wide by 4.8 metres in length with a 1.2 margin to three sides for access into and out of a wheelchair and access to the car boot. There may also be a requirement to consider electric parking bays within car parking areas.

Parking to be provided with car parks and on street parking areas should be considered in terms of their controls, availability and intended use and management.

Cycle parking is understood to be provided and the existing cycle facilities redesigned to improve their attractiveness."

Updated Response as part of this consultation:

It has been confirmed that the overall proposals could impact on the existing local parking provision. This appears to be in the order of a net loss of some 5 car parking spaces, subject to the final technically approved layout.

Internal discussions are taking place alongside the application to improve parking provision and availability in the area. The Highway Authority will consider implementing a new parking regime on some local roads where parking controls will help provide regular turn over and frequency in parking availability for leisure use and visitors to local businesses. Outside of the typical commuter days parking could be made available unrestricted for local resident use.

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The detailed design approval of the proposed parking spaces, and the type of spaces provided, will be a subject for approval by the Highway Authority. The Authority, through the conditions requested above, will ensure that appropriate use of SPG parking policy and specification is applied.

"Additional Information Required:

A Transport Assessment or Transport Statement is not required for this scale of development. The traffic impact of concern will be the construction phase.

The earlier sections of the consultation response set out the additional information required in each area of concern, these are mainly safety related. We would set out that in addition to the information requested, the proposed highway changes should be the subject of a Stage One Road Safety Audit and this should be submitted with the planning application."

Updated Response as part of this consultation:

Appropriate use of planning conditions will ensure that the Authority is able to technically approve all design work, included the required audit process.

Highway Authority View

The Highway Authority has considered the information presented in the PAC against its knowledge of the site area. As confirmed, the Highway Authority is, overall, supportive of the coastal defence scheme and the opportunity to enhance the public realm. In principle, the proposed application layout is likely to be considered acceptable. However, this would be subject to the applicant team fully addressing the issues raised within this document and providing the detail necessary for an appropriate audit of the proposals.

We trust that this PAC response is useful and informative in the progression of the scheme to planning application. We would welcome any questions or clarifications that the team may have on the content of our consultation.

Updated Response as part of this consultation:

The above conclusions are still valid, the Highway Authority does support the principle of the wider scheme. The PAC response set out the detail that the Highway Authority requires in order to approve the proposals. The assessment of a Swansea Council scheme does provide for a technical approval process that will ensure that the Highway Authority will receive all the detail it requires. The proposed highway alterations will not be constructed until the Highway Authority determines that it is appropriate for the greater public use.

The required planning conditions, set out in this response, will provide opportunity to approve plans and approaches prior to physical works commencing.

On balance the Highway Authority is able to allow this scheme to progress, given the sufficient processes are in place to develop the scheme to adoptable standards.

Placemaking and Strategic Planning Appraisal -

Overview of Proposed Development

This application relates to the Mumbles Coastal Defence Scheme.

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There is a requirement to improve the coastal defences along a 1.1km frontage of Swansea Bay from Oystermouth Car Park to Verdis to address ageing infrastructure and the flooding risks from sea level rise. The proposal provides 1 in 200 year protection with an allowance for climate change to 2070.

The promenade is a very well used place by the local community and as a wider regional tourism destination. It lies within the Mumbles Conservation Area and is also part of the Wales Coastal Path. However the public realm along the promenade is generally in poor condition, cluttered, dated and dominated by hard surfaces with limited green infrastructure.

The project has been subject to pre-application dialogue with a key message that this should be more than a flood alleviation project - there is a key opportunity for public sector leadership to enhance and regenerate the public realm promenade area.

The proposal includes:

- New 'primary defence wall' 0.8-1m high along the bay edge of the promenade.
- New secondary wall/ landform to the rear of the promenade.
- Public realm enhancements, widening of the promenade, public art/ interpretation, play features, street furniture and multi-functional green infrastructure.

Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.
- Swansea LDP Policies PS 2 and ER 2 highlight that:
- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

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Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Extracts from the Council's Biodiversity and Development SPG are provided in Annex B of this response. These relate to how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

Assessment of Coastal Defence proposals

There are three types of proposed primary Coastal Defence Treatments:

Type A: Reinforcement of existing sea wall in northern area over distance of approx 120m. This retains the existing upstand wall and adds a new handrail.

Type B: Encasement of existing vertical seawall and addition of concrete upstand wall circa 80cm high with handrail over length of approx 367m from Oystermouth Car Park to the Bowling Green.

Type C: Replacement of existing sloping concrete revetment face and addition of concrete upstand wall circa 1m high and handrail over approx 707m from the Bowling Green to Verdis.

A stated objective of this project is to keep the upstand wall along the promenade edge below the eye level of a seated person/ wheelchair user and to minimise visual impact. Therefore to keep the proposed primary defence wall no higher than 1m above promenade level, this means in some areas the promenade surface level needs to be raised which in turn may be at a different level to the land behind.

The maximum level promenade raising is circa 0.5m-0.7m in the section between Southend Gardens and Hennebont. This level change is accommodated via the secondary defence wall and all access points have 1 in 21 level gradients.

The proposed upstand walls does alter the visual openness of the promenade and will alter views in and out from Mumbles Conservation Area. Whilst this is a change to the conservation area character, when combined with the public realm enhancements and green infrastructure, this proposals are considered to be a significant holistic enhancement and therefore are supported in terms of the conservation area test as set out later in this response.

The primary defence wall is proposed to be constructed from concrete given the strength required. This is proposed to be made locally relevant via inclusion of exposed local aggregate showing colours of the local stone. This is supported as part of a contemporary treatment of the promenade area. The DAS also suggests that this concrete wall could be used as a 'canvas' for sculpted forms and patterns/ information. The extent of this treatment is not clear but this approach is supported and should be resolved via the public art strategy.

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The secondary defence line along the rear of the promenade varies according to the location and activities. Some areas have a low wall proposed to be clad in local stone. This can be combined for sitting and is not dissimilar to existing treatments along the rear of the Promenade. In focal areas, the proposal is for the height of the secondary defence line to become a landscape feature such as the mounded play space proposed at Southend Gardens. The height required of the secondary wall does mean that access for all to the promenade will be restricted to various gaps and these are located to be legible and logical based on many of the existing access points and rights of way.

The scheme includes a number of drawn sections showing existing/ proposed levels and details at key points along the 1.1km works area. These are discussed below:

The promenade remains at the same level as the Oystermouth Car Park/ future development area with the primary defence wall 80cm high with handrail on top. There are no current regeneration plans for the car park area and the flood alleviation works will not fetter any future proposals for this key site. The plans show a gap in the 80cm secondary defence wall along the rear of the promenade opposite the existing toilets to allow linkages on the alignment of the existing public right of way which also includes reinstated stepped access to the foreshore area.

Along the frontage of the Oyster Wharf development area, the new upstand wall would be 80cm high with handrail on top, the secondary defence line at the rear of the promenade would be integrated with seating and planting with level access through to the Oyster Wharf frontage area. This is a welcome enhancement which unifies this space.

Along the frontage of the bowling green and tennis courts, the new upstand wall would be 80cm high with handrail on top. The secondary defence would be set back from the rear of the promenade behind the retained mature trees in the current area of highway. This is a welcome enhancement which will significantly increase the promenade width to address a current pinch point and allow incorporation of green infrastructure.

Along the Promenade Terrace frontage the primary defence wall is shown to be 1m high with handrail and a 1m secondary defence line to the rear with trees and verge retained alongside the street. Vehicle access to the slipway off Promenade Terrace would be removed due the levels being raised and instead an enhanced area of public realm with informal play and ramped pedestrian/ cycle access would be created in place of the current boat storage area. The Southend gardens section shows how the boat storage area could become a greened, active, attractive play space which is mounded to provide the height required for the secondary defence with 6m wide promenade and 1m primary defence.

Assessment of Promenade Proposals

The proposal is to widen the promenade consistently to 6m to address existing pinch points and the reported conflicts between pedestrians and cyclists. Given the SSSI status of the foreshore, the widening of the promenade is achieved by setting back the rear edge not extending out into Swansea Bay. This will require repurposing of some areas to the rear of the promenade and this is welcomed as part of a high quality accessible public realm.

As well as sections showing how the promenade could change, there are proposals for key places as follows:

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Tennis Courts:

The Design and Access Statement (DAS) explains the options explored for the area between the tennis courts and foreshore where there are a number of healthy mature trees and the width of the promenade creates a pinch point. The preferred option as shown in the proposed plans is to remove vehicle access to the section of Promenade Terrace stretching north Cornwall Place which allows the proposed secondary wave wall to be set back behind the retained trees and the promenade to be widened. This is welcomed to prioritise public realm, active travel and green infrastructure over vehicles and parking.

The red line area for this application includes the tennis courts on the basis that this area is required for the duration of the flood alleviation project as a works compound. There is a note on some drawings that the 'design of tennis court area to be confirmed post-planning' and it has been clarified that the flood alleviation project is expected to reinstate the tennis courts as existing. The future of the tennis courts is a very significant local issue and if there are proposals to alter this area in future, then options should be explored with the community and stakeholders and a further planning application submitted.

Southend Gardens:

The proposal highlights a significant opportunity to strengthen Southend Gardens as a leisure destination incorporating a play area. The proposal is to repurpose the boat storage area as mounded play space which also addresses the requirement for the secondary defence line to the rear of the promenade, plus pitches for food kiosks and general seating to create a more active and attractive space which is welcomed.

The theme of this new play area is proposed to be interpretation for the adjacent Blackpill SSSI highlight all the species not just migratory birds, so there would be play references to reef worms and oysters etc. Indicative images of this playable space are provided in the DAS and the final detail of play equipment, surfaces can be agreed via condition.

The proposal in this area also seeks to improve linkages with Mumbles Road and the existing independent businesses by removing parking to the section of street between the gardens. This is currently a space dominated by parked cars and is potentially dangerous for those moving between the two sections of Southend Gardens. The proposal retains the vehicle link and proposes wider more inviting pavements which is welcomed prioritise public realm and active travel over vehicles and parking.

The north end of Southend Gardens is not within the red line of the application site. Notwithstanding this the proposals would serve to improve the relationship of that area, which is occupied by an adventure golf facility and is currently used successfully as an outdoor hospitality space by local businesses, with the adjoining promenade and sea front. The south end of Southend Gardens is within the red line area, however there are no details submitted of any proposed changes to the existing play area or area of garden used partly as outdoor hospitality space. The small kiosk adjacent to the play area which is potentially a former ticket hut for the Mumbles Tram is shown to be retained. It is important that the scheme has full regard as to how both north and southern ends of Southend Gardens will be used for the benefit of residents, visitors and businesses going forward, and that it enhances the attractiveness of those areas for those uses. Clarification as to these matters would be beneficial as part of the consideration of the scheme.

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The slipway at Southend Gardens is proposed to be retained and remodelled for foot access to the bay/ beach to accommodate paddle boarders etc.

Hennebont Gardens:

The proposal in this area is to retain the green space and make this area more accessible and welcoming through the removal of the surrounding non historic railings, plus replacing the parking to the north which separates the gardens from the promenade with active public realm space. This is welcomed to enhance the space, allow increased use and will not preclude the current use for temporary external restaurant seating.

Pilot slipway:

The existing vehicle access to the bay/ beach is to be retained and boat storage is proposed to be consolidated in this area.

Parking Issues

The current car parking arrangements dominate the foreshore areas to the detriment of people and public realm. This also detracts from the character and quality of the conservation area. The proposals seek to rationalise and enhance the parking arrangements to win back areas for people and public realm without any significant loss of car parking spaces.

A new area of on street echelon parking is proposed along the north side of Mumbles Road between Southend Gardens and Hennebont Gardens. This is welcomed to relocate parked cars away from the promenade and allow the public realm to be widened/ enhanced.

The parking rearrangement to the east of Hennebont Gardens is proposed to be amended to reinstate the north side of Mumbles Road as a footway. This is welcomed but there will need to be a boundary edge between the pedestrian area and parking spaces. A kerb upstand and shown on the plans at present and this can be resolved via condition.

The approach to amending parking to prioritise public realm and pedestrians is supported and aligns with the national emphasis on placemaking and prioritisation of active travel. There may be scope to install electric vehicle charging points as part of the new parking works.

Public Realm

The flood alleviation scheme has a contemporary materials palette which is proposed to be related to the context through use of colours.

Concrete is proposed for the primary defence due to the strength and robustness required. This is proposed to be made interesting and relevant with exposed local aggregates.

The secondary defence varies from a wall clad in local recycled stone to planted/ playable landform which is welcomed.

The proposal for the promenade surfacing is generally light grey asphalt with feature areas and bands in buff asphalt. The grey asphalt is very similar to the current surfacing and there may be scope to increase feature surfacing/ paving areas potentially to emphasise the mixed use spaces such as Southend Gardens. Therefore further exploration of surfacing should be required via condition.

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The public realm is cluttered at present with many uncoordinated ad hoc features. This comprehensive scheme is an opportunity to rationalise and improve the street furniture as part of a quality destination. Street furniture is proposed to be stainless steel and timber instead of the current dated blue traditional designs which is welcomed. The DAS indicates that there will be bespoke furniture designed to reference railway seating, no details are provided so this must be controlled by condition.

The DAS also indicates that there could be a public art/ interpretation strategy with the primary wall used as a 'canvas' for patterns and sand blasted features. This must be controlled by a sample condition and explored via the public art strategy. The public art strategy should include an allocation for engagement, participatory works and legacy works co-created via engagement with stakeholders and a representative cross section of the local community. The DAS also indicates that the bay side of the sea wall will incorporate textured formworks to create ecological enhancement areas but it is not clear how these will be formed and where they will be located. There may be scope to create sculptural features that perform the ecological function adjacent to the foreshore access points and this could perhaps include artificial rock pools. Therefore this must also be controlled by condition.

There is an opportunity for a distinctive lighting strategy as part of the destination identity and conversely the need for a sensitive lighting strategy has been highlighted on ecology grounds. No lighting is shown on the proposed clearly a lighting strategy is required via condition.

Green Infrastructure/ SUDs

The nature of the scheme, being effectively works to a significant stretch of the Green Infrastructure corridor along Swansea Bay, represents a significant opportunity to maintain and enhance a large area of the County's strategic green infrastructure network.

A green infrastructure strategy is therefore required to set out an overarching strategy for the site, and then specify the purpose and functions of each sub element of the proposal. This should include:

1. an overarching strategy for maintaining and enhancing the multifunctional green infrastructure network along the seafront. Strategic objectives for the whole site should be identified, in response to an appraisal of the constraints and opportunities arising from the existing GI network and potential to create enhancements.
2. Specific GI objectives for each element of the scheme, with an emphasis on specifying the main GI function for each space. For example, the main GI function at Southend and Hennebont, would be play space/health and well-being. Ancillary GI functions should then be explored for the design of that part of the site, having regard to opportunities to maximise the multifunctionality of other aspects of green infrastructure.

The GI Strategy should demonstrate how the project will deliver against each of the below principles of GI

- climate change adaptation: eg. water absorption, flood reduction, surface water management, cooling and shading, carbon capture
- biodiversity: supporting a wide variety of native/biodiverse species, supporting pollinators, providing shelter and food, enhancing existing green corridors.

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- health and well being, absorbing pollution, providing clean air, clean water, food and space to exercise/socialise and have contact with nature.
- sustainability low maintenance solutions, reducing pollution and waste, and maximising use of recycled or sustainably source materials.

The supporting Preliminary Ecological Appraisal indicates that the land based areas are of limited ecological value and can be enhanced. The foreshore area is part of the Blackpill SSSI designated primarily for migratory birds. Swansea Bay is designated as a SINC, highlighting the significance of the area for ecological connectivity and ecosystem resilience, and providing an indicator of the high probability of the area containing species protected under s5 of the Environment (Wales) Act.

To address the requirement for ecological enhancements in addition to terrestrial enhancements such as new coastal native species planting to increase biodiversity, the proposal is for marine enhancements such as textured forms to new sea wall and areas to hold water to help encourage growth of algae and colonisation by marine invertebrates. These textured forms can also make the sea wall more interesting as a public realm feature and the ecological enhancements can be highlighted by interpretation.

The Arboricultural report confirms that 5 trees are proposed for removal due to poor condition and these are all category U. Therefore there is no conflict with the adopted Trees and Hedgerows SPG and there is no requirement to apply the Tree Replacement Standard which applies to removal of category A and B trees. However it is noted that some 46 new trees are proposed to be planted as part of public realm works which is welcomed. Appropriate species selection should be discussed with the council's landscape team, along with appropriate design of tree pits. Clarification required on the green infrastructure functions intended to be provided by the provision of trees, for example, how will tree planting provide water quality, amenity and biodiversity benefits and how are these related to an understanding of the constraints and opportunities of the site. How will the location of lighting, and street furniture relate to the siting of trees. Will it be possible for visitors to sit under the shade/shelter of a tree? Will the location of street lighting make this possible outside of daylight hours etc.

The enhanced spaces at Southend and Hennebont incorporate coastal and ecological planting into the public realm play space design. This maintains and enhances ecological connectivity and ecosystem resilience as well as benefiting the character/ functions of the space.

Access for all

The DAS explains that step free routes have been used where possible with 1 in 21 ramps at level changes.

The secondary defence wall and landform will change how the promenade is accessed and the proposals include a number of level access points via gaps at logical and legible locations.

Existing access points to the foreshore are retained with steps in places and both slipways retained.

A multitude of benches are suggested and the final detail including provisions for all can be controlled via condition.

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Engagement strategies should ensure that relevant local access groups are consulted on the proposals.

Active travel

The consistent widening of the promenade to 6m is welcomed. This comprises segregated pedestrian and cycle facilities north of Oyster Wharf and shared pedestrian and cycle space south of Oyster Wharf due to various cross movements on/ off the promenade, but utilises street furniture to define a 2m safe space for vulnerable pedestrians. This is welcomed and the detailed locations of street furniture can be controlled via condition.

The proposal is also for a number of bike hubs along the promenade comprising locking stands and maintenance points. This is welcomed to address the emphasis on active travel and the exact location and designs can be controlled via condition.

The Design and Access Statement also highlights a potential 20mph scheme along Mumbles Road to improve safety and support active travel. This is welcomed but is not within the planning red line area for the flood alleviation project and can be carried out within highway permitted development rights.

Quiet Areas

Swansea Beach is designated as a Quiet area, which are tranquil public places valued by the local community. Proposals must take into account the requirement in LDP Policy RP 2 to ensure that development does not have an unacceptable impact on the quiet area or the characteristics of tranquillity that led to the designation of the quiet area. These include the sense of personal safety during the day due to the number of people using the area and the amount of open space which gives visitors the ability to choose the level of interaction with others. However, this could be improved during hours of dark, where visitors can feel vulnerable, especially in the dune areas.

Effect on Heritage Assets

The application is supported by a Heritage Impact Assessment (HIA) which considers the effect on designated heritage assets including Mumbles Conservation Area, setting of listed buildings, setting of ancient monuments such as Oystermouth Castle and effect on undesignated heritage features of local interest.

In terms of the Mumbles Conservation Area, the entirety of the foreshore promenade area is within the designated area as expanded in February 2021. Therefore within this area the preserve or enhance test applies as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The current promenade area is not a cohesive design and is not high quality at present. The current arrangement has resulted from ad hoc works after the removal of the Mumbles Tram. The void left by the tram was filled by car parking spaces and poor quality public realm. There are however a handful of tram related features remaining as noted later in this response.

There are a number of facets to assess the effect on the character of Mumbles Conservation Area:

- Physical features along the prom area
- Experience of the promenade area - public realm and views

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- Views from Mumbles Road character area to Swansea Bay
- Views from Swansea Bay to Mumbles Conservation Area

Physical Features

The existing promenade features are not high quality and not part of a considered design.

The existing sea defence has two designs with a vertical concrete wall in the north west and sloping shallow revetment in the south east. These existing defences are not high quality design and are in varied/ poor condition.

The existing secondary defence line wall to the rear of the promenade is clad in local stone. This is not a historic wall but the material has local resonance.

The existing street furniture of blue painted 'traditional' design is not historic and is in poor condition. There are also some prominent functional features such as the protective vehicle barrier at the Southend slipway.

Therefore the proposed flood alleviation works will not result in any promenade features of heritage significance lost. However this can be required to be recorded before starting via a recording condition.

Promenade character

In contrast the proposed public realm works along the promenade would be of a cohesive design with high quality materials and multi-functional green infrastructure which would enhance the character and appearance of this part of the conservation area whilst maintaining the long established tourism function of Mumbles Promenade.

The proposed primary defence wall along the bay edge of the promenade will alter the current sense of openness with metal railings at present. The end result would be similar to existing upstand wall at north end of conservation area. This is clearly a change of character to a prominent location that will be experienced by many but is considered acceptable on the basis of the comprehensive enhancements and necessity to protect the designated conservation area from flooding.

Views out

The proposed primary defence wall will alter the views out of the conservation area over Swansea Bay from the Promenade. However the height of the new sea wall of no more than 1m limits this visual impact and this is offset by the use of the wall as a canvas for public art and interpretation plus the general enhancement of the holistic public realm.

From Mumbles Road the existing secondary defence wall already limits views over Swansea Bay. Therefore from the set back public vantage points away from the promenade there is considered to be no change to availability of views out and these views out would be improved due to decluttering, public realm enhancements and green infrastructure.

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Views in

A landscape and visual impact assessment has been submitted. This suggests that the views from Swansea Bay (on foot when the tide is out or from a boat) are likely to be marginally reduced by the increased height of the sea wall, however this is not dissimilar from the existing concrete structures already along the foreshore and the new wall of up to 1m would only screen a minor lower part of the existing expansive townscape with green backcloth rising up behind. Therefore this visual change is not considered to be harmful.

Listed Buildings

There are various listed buildings within 200m of the red line works area and the effect on setting has been assessed as follows:

Bristol Channel Yacht Club (grade II) - Circa 48m from the works area. This listed building has a direct view to Swansea Bay and is just beyond the end of the red line works area so there is no effect on setting.

Southend Villas (grade II) - Circa 19m from the works area with direct view to Swansea Bay opposite Pilot Slip and boat storage area. The proposals retain the slipway and boat store along with enhanced public realm so the effect on setting would be an enhancement.

Turnpike Trust Boundary Stone (grade II) - this small scale feature is circa 15m from the works area opposite east end of Hennebont Gardens where reconfigured parking area proposed. The area opposite is currently tarmac surfaces parking area and there is effectively no setting change albeit an amended parking layout.

Princes Fountain (grade II) on Mumbles Road - circa 90m from the works area opposite western end of Southend Gardens. There is no intervisibility with the works area and the east end of Southend Gardens is not within the red line. Therefore there is no effect on setting.

All Saints Church (grade II*) - circa 74m from the work area raised above Mumbles Road adjacent to Tennis Courts. This church and the church yard has wide ranging panoramic views over Swansea Bay. The flood alleviation works and public realm enhancement may appear in the lower foreground of any views but would be a minor aspect to a much larger prospect and certainly would not block any views. Therefore there would be a neutral effect on setting. Note that the tennis courts will require separate planning consent for any alterations and the setting of All Saints Church including outlook would need to be considered.

Mumbles Methodist Church (grade II) circa 13m from works area on junction of Dunns Lane and Mumbles Road - opposite southern end of Oystermouth car park. The works in proximity would be junction alterations to accommodate a new active travel link to the Promenade with improved pavement materials linking to Oyster Wharf plus new tree planting. Therefore this would enhance the setting.

Oystermouth Library (grade II) circa 53m from works area behind Mumbles Methodist Church on Dunns Lane. There is no direct intervisibility with foreshore/ promenade area so no change to setting.

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Tabernacle United Reform Church (grade II) - circa 240m from works area no direct intervisibility with foreshore/ promenade area due to intervening development so there is no change to setting.

Ancient Monuments

Oystermouth Castle (grade I listed building and Schedule ancient monument) is circa 250m from the works area in an elevated location overlooking Swansea Bay and the modern roofscape of Mumbles. Parts of the flood alleviation works and public realm enhancement would be partially visible but at long range and not blocking any views from Oystermouth Castle. Therefore there would be a neutral effect on setting.

Note that Cadw have also been consulted in respect of the effect on the settings of ancient monuments and they have also confirmed there is no effect on the setting of Oystermouth Castle.

Undesignated heritage assets

In addition to the designated heritages assets the works area comprises the route of the Mumbles Tram which was the world first passenger railway. This route has no heritage designation but is clearly of local interest.

Adjacent to the works area at Oystermouth Car Park (outside the planning red line) are three elements associated with the Mumbles Tram comprising waiting shelter and plus remnant poles of overhead catenary at Oystermouth Square. These are unaffected by the proposals.

At Southend Gardens is a possible Mumbles Tram ticket shelter which is outside the red line area which is also unaffected but adjacent to the proposed enhanced public realm space.

Much of the current sea defences were constructed at the time of the Mumbles Tram and works may reveal earlier below ground features which can be preserved via a recording process.

The former Tivoli Cinema now the Oyster Wharf development is also a key unlisted building. This has been considerably renovated in recent years but retains the original prominence and art deco features onto Mumbles Road. This building is outside the red line area and the promenade works would enhance the setting of this building at the north eastern end.

The HIA also notes from the HER that there may be other below ground non designated heritage assets such as the site of Dunn's Mansion, peat deposits and foreshore features such as posts and wrecks. Where these are adjacent to the works area, the proposal is to protect and retain in situ. Where they are within the works area the proposal is an archaeological watching brief and recording to be agreed with Glamorgan Gwen Archaeological Trust.

The Design and Access Statement explains that part of the proposal is to add public realm features celebrating uniqueness of Mumbles such as references to tram tracks and interpretation points. There is no detail at present and this should be developed via the public art/ interpretation strategy.

Engagement: accessibility features should be developed in consultation with appropriate local access groups. Play features should engage local children/families - future users in the design.

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Summary and Final Comments

Fundamentally it is important to highlight that the proposed flood alleviation works for Mumbles are more than just works to create a sea wall. The proposals include public realm enhancements, new playable spaces, ecological enhancements and public art. The proposals will change the character of the promenade and this is welcomed as an enhancement of the Mumbles Conservation Area.

A key remaining issue is the lack of a Green Infrastructure Strategy as highlighted in this report.

Once an acceptable GI strategy has been provided, and any necessary amendments to GI provision made, then approval can be recommended with conditions to address the following:

- Heritage recording to English Heritage level 2 and to be deposited in HER and West Glamorgan Archive
- Flood wall materials including samples of concrete, stone cladding, integrated ecological profiles and art features
- Details of Street furniture
- Lighting strategy
- Exploration of surface materials and details
- Planting scheme
- Interpretation/ public art strategy
- Play features

Additional Comment - following receipt of Green Infrastructure Strategy

The amended GI Strategy is acceptable and approval is now recommended.

APPRAISAL

The planning application has been supported with the following documents:

- Design and Access Statement;
- Pre-Application Consultation Report;
- Habitats Regulations Assessment Screening Report;
- Water Framework Directive Screening Report;
- Landscape and Visual Appraisal;
- Tree Survey;
- Preliminary Ecological Appraisal Report;
- Heritage Desk Based Assessment;
- Written Scheme of Investigation (For Building Recording);
- Written Scheme of Investigation (For Archaeological Mitigation);
- Flood Consequences Assessment;
- Geotechnical Interpretative Report;
- Construction Environmental Management Plan

Material Planning Considerations

The main issues to be considered:

- The principle of the development having regard to national and local planning guidance;
- the effect of the development on the character and appearance of the area including the landscape and visual, heritage assets in the vicinity; and

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- the effect of the ecological interests;
- other technical issues including the flood risk and the impact of the development during the construction of the surrounding area.

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

Development Plan Policy and Supplementary Planning Guidance

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

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal must be determined against relevant policies of the Development Plan, which comprises:

- Future Wales (FW), the National Plan 2040- the national tier of the Development Plan containing the policies on matters Government considers a national priority, that are distinctly spatial and/or require national leadership.
- The Swansea Local Development Plan (LDP) 2010-2025 - the local tier of the Development Plan.

Whilst Development Plan policies are the primary consideration, other relevant material considerations need to be considered when determining the acceptability of the proposal. This includes other local and national policy and guidance, including Supplementary Planning Guidance (SPG), Planning Policy Wales (PPW) Edition 11 and Technical Advice Notes (TANs).

Swansea Council is a signatory to the Wales Placemaking Charter which defines the placemaking principles and range of considerations that should be applied to all developments, in the interests of maintaining and creating good places.

Future Wales

Policy 8 - flooding - states that flood risk management that enables and supports sustainable strategic growth and regeneration in National and Regional Growth Areas will be supported. The Welsh Government will work with Flood Risk Management Authorities and developers to plan and invest in new and improved infrastructure, promoting nature-based solutions as a priority. Opportunities for multiple social, economic and environmental benefits must be maximised when investing in flood risk management infrastructure. It must be ensured that projects do not have adverse impacts on international and national statutory designated sites for nature conservation and the features for which they have been designated.

Swansea Local Development Plan ('LDP')

LDP Policy ER 1 - Climate Change - seeks to mitigate against the effects of climate change, adapt to its impacts and ensure resilience, development proposals should take into account avoiding unnecessary flood risk by assessing the implications of development proposals within areas susceptible to flooding and preventing development that unacceptably increases risk.

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Additionally, LDP Policy RP 5 in respect of the avoidance of flood risk development will not be permitted at risk of coastal flooding, unless it can be demonstrated that the development can be justified in-line with national guidance and is supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding; and where it would have a detrimental effect on the integrity of existing coastal flood defences; or impede access to existing and future tidal defences for maintenance and emergency purposes.

Other Relevant Local Policy and Strategies

The Lavernock Point to St Ann's Head Shoreline Management Plan (SMP2) 2012

The Shoreline Management Plan (SMP2) defines a policy of 'hold the line through maintenance and upgrading of existing defences, subject to the future availability of public funding for coastal erosion and flood risk management and to retain the tourist/ amenity facilities between Swansea and Mumbles.'

The Principle of Development

The existing Mumbles sea wall and defences are in poor condition and at risk of coastal flooding. The risk of flooding is predicted to significantly increase with sea levels set to rise (estimated at 0.39m) between 2021 and 2070. The existing sea wall is subject to wave overtopping in present day extreme events and would be subject to tidal (still water) overtopping on a frequent basis in the future.

The purpose of the proposed development is to provide a suitable and sustainable scheme of flood defences that provide a 1 in 200 annual exceedance probability standard of protection with an allowance for climate change to 2070. This will protect several commercial and residential properties, major transport routes into Mumbles and several amenities and services. Additional regeneration and tourism benefits come from a widened promenade with segregated pedestrian and cyclist facilities, improved seating, views and connectivity, and associated hard and soft landscaping.

The principle of the proposed development is considered to accord with the national principles of Planning Policy Wales (Edition 11) including Technical Advice Notes 14 and 15, National Strategy for Flood and Coastal Erosion Risk Management in Wales, the Welsh Minister's Written Statement - Flood and Coastal Erosion Risk Management Programme for 2020-2021, the Future Wales: The National Plan 2040, and the Wellbeing of Future Generations (Wales) Act 2015. The proposed development would provide a 'Hold the Line' scheme as required by the Lavernock Point to St Ann's Head Shoreline Management Plan (SMP2) and will manage flood risk taking into account climate change until 2070. It is also considered to be compliant with policies ER 1 and RP 5 of the Swansea Local Development Plan 2010-2025 and the City and County of Swansea Flood Risk Management Plan 2015 in relation to reducing flood risk. The scheme is also compliant with policies 1, PS 2, RC 5, TR 1, TR 2 in regard to creating a quality, sustainable development along the developed coast and waterfront that enhances the regeneration and tourism of the area.

The effect of the development on the character and appearance of the area

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard are set out in Future Wales Policy 2:

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- development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.
- Swansea LDP Policies PS 2 and ER 2 highlight that:
- all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

This is considered in detail in the Placemaking and Heritage Team observations above, and a summary is provided here together with that of the supplementary planning guidance.

The overall scheme area is to be split into three frontages with three different design cross-sections:

Design of Cross Section for Frontage A

Frontage A is located at the northern end of the scheme and is approximately 120 metres in length. The existing seawall with promenade is at a level of approximately +6.5mOD. The design of the proposed cross section includes the encasement of the seaward face of the existing seawall with reinforced concrete at a level of approximately +6.5mOD with a handrail on top (approximately 1.2m in height from the promenade level). In addition, a reinforced concrete stepped apron with sheet pile at the toe of the wall will be included alongside the replacement of material behind the seawall with lightweight fill. Currently the existing ground levels landward of the promenade are approximately +7.9mOD therefore providing natural secondary defence. This is to be retained as part of the scheme.

Design of Cross Section for Frontage B

Frontage B is approximately 367 metres length. The existing seawall with promenade is at a level below +6.5mOD at this section. The design of this cross-section includes the encasement of the seaward face of the existing seawall with reinforced concrete. A reinforced concrete stepped apron with sheet pile at the toe of the wall will be included alongside the replacement of material retained behind the seawall with lightweight fill, as per Frontage A. In addition, a reinforced concrete recurve upstand will be added to the top of the seawall to achieve a top level of +7.2mOD. The existing promenade levels will be raised to approximately +6.5mOD and a handrail approximately 1.2m-1.4m in height (from the promenade level) will be provided. Currently there is no natural secondary defence, although existing splash walls are present in places along this section. A secondary defence in the form of a vertical secondary wall with a top level of approximately +7.2mOD is incorporated into the scheme. Adjacent to Oyster Wharf the secondary defence wall has been integrated into terraced seating steps.

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Design of Cross Section for Frontage C

Frontage C is the southernmost section and is approximately 707 metres in length. The existing concrete sloping revetment with promenade at this section is generally at a level below +6.5mOD. The design at this cross-section will include the replacement of the concrete revetment face with new reinforced concrete (Slope 1:1.7). A steel sheet pile wall will be designed for the toe of this revetment. In addition, a reinforced concrete recurve upstand will be added to the top of the revetment to achieve a top level of approximately +7.5mOD. Furthermore, the promenade in this section will be raised to approximately +6.5mOD and a handrail approximately 1.4m in height (from the promenade level) will be provided. There is no natural secondary defence, although existing splash walls are present in places along the section. A secondary defence in the form of a vertical secondary wall with a top level of approximately +7.4mOD is incorporated into the scheme. Within Southend Gardens some of the secondary defences have been integrated into landform.

Public realm improvements are proposed as part of the scheme that provides wider benefits for regeneration and tourism, creating a sustainable and attractive waterfront, improving the area for the local community, and providing an attraction for visitors. The public realm benefits include betterment of the existing public rights of way along the promenade to reduce cyclist and pedestrian conflict by widening the width to approximately 6 metres to provide space for both pedestrians and cyclists. In addition, the parking provision has been revamped along the scheme to allow for better access to the promenade and wider facilities.

Other associated public realm improvements include improved seating, street furniture (including opportunities for art), visual improvements and enhanced hard and soft landscaping to provide visual improvements to the area. The materials, furniture, and planting for all of Mumbles seafront is inspired by the surrounding natural and built context with the aims to provide amenity and biodiversity enhancement.

The promenade is typically 5 to 6m wide, however, there are locations between Southend Gardens and Knab Rock where the promenade narrows to less than 4m, substantially less than the desired 6m for pedestrian and cycle capacity, and the land train. To mitigate existing issues of cyclist and pedestrian conflict and provide a better experience for all users, the scheme has set a base aim of providing at least 6m width along the entire length of the promenade.

Green Infrastructure/ Sustainable Urban Drainage

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking.

The application is accompanied by a Green Infrastructure Strategy which uses Swansea's 5 principles and has the following main objectives of the GI strategy for Mumbles seafront are set out below:

- Provide a range of attractive, accessible, and linked spaces along the promenade that allow for informal recreation, socialising, and formal play.
- Create a high quality and distinctive landscape and public realm setting for the new flood defences which incorporates opportunities for landscape, play, ecology, and biodiversity enhancement.

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- Minimise impacts on the existing landscape features through the retention and incorporation of all existing trees.
- Plant new trees that future proof the green setting to the promenade for years to come.
- Use native species and traditional planting palettes which are consistent with the local landscape character and appropriate for use on the seafront.
- Minimise the adverse impact of the flood defences on views from the wider town through new tree planting and planting areas.
- Use the secondary wall as a catalyst for new planting that links habitats along the length of the promenade.
- Ensure connectivity between new and existing green infrastructure through the retention and incorporation of existing footpaths, cycle routes and access points along the length of the promenade.

Landscape and Visual

The landscape and visual impact of the scheme is an important material consideration. LDP Policies PS 2, TR1 and TR2 indicate 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. Mumbles Promenade and Swansea Bay are considered key features and destinations in relation to Tourism, Recreation and Leisure Development and that the associated visitor facilities and attractions should be protected and enhanced. This is echoed at a national level by Planning Policy Wales (Edition 11) and Technical Advice Note 12.

A Landscape and Visual Appraisal (Ref. 7421, Ver. P01, dated 8th October 2021) has been undertaken and submitted as part of this application. The proposed scheme is to replace and improve the existing sea wall and would not create intrusive landscape features or have any significant long-term impact in regard to landscape or visual amenity. Once operational, the proposed development would be seen as an integral part of the coastal townscape. While there would be some visual change, these changes are considered to be beneficial through the improved surfacing, planting and amenity features along the promenade. Furthermore, views across Mumbles Bay would be unaffected with inward views marginally affected by the increased height of the sea wall. Overall, the proposed changes would bring localised improvement to this part of the Mumbles Conservation Area and Seascape Character Area 8.

Arboriculture

Policy ER 11 of the Swansea Local Development Plan (LDP) 2010-2025 looks to protect trees of public amenity or natural/cultural heritage value, or that provide important ecosystem services. A Tree Survey has been undertaken to assess the health, condition, retention value and overall significance of the trees within the local environment. A Tree Constraints Plan was also prepared to identify constraints and opportunities for working around the trees.

The scheme has been designed to minimise impact upon trees and aims to retain all existing trees. There are some locations where construction will be within existing Root Protection Areas (RPAs). At the eastern end of Promenade Terrace, the construction of the secondary wall will take place within the existing trees' RPAs. The secondary wall will be constructed within and directly adjacent to 17 tree RPAs. 7 of the seaward line of trees' RPAs will also be impacted by the promenade construction.

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The works within tree RPAs will be subject to a detailed Arboricultural Method Statement. Although there are no tree removals required to facilitate the scheme, tree planting is proposed with several new trees (46 in total) along the length of the promenade, with species chosen due to their resilience to the harsh conditions found on the seafront. All species can withstand strong winds, a saline environment and occasional inundation. Overall, the scheme would not have an adverse effect on trees of public amenity or natural/cultural heritage value, or that provide important ecosystem services and would be compliant with LDP policy ER11.

Ecology and Biodiversity

The proposed development site is adjacent to the Blackpill, Swansea SSSI, Bristol Channel Approaches SAC and Swansea Bay SINC. The SSSI designation is primarily due to its importance as an overwintering site for large numbers of wading birds. LDP Policies ER 6, ER 8 and ER 9 of the Swansea Local Development Plan 2010-2025 aim to protect designated sites of ecological importance, protected habitats and species and look to maintain, protect and enhance ecological networks and features of importance for biodiversity. This is echoed at a national level by Planning Policy Wales (Edition 11), Technical Advice Note 5 and the Future Wales - National Plan 2040.

A Preliminary Ecological Appraisal (PEA) has been submitted to identify any likely ecological constraints and propose mitigation measures in relation to the ecological receptors that might be impacted as a result of the work. The PEA also provides the opportunity to advise for further surveys, such as specific species surveys, mitigation and ecological enhancements to be undertaken.

The PEA concluded there is the potential for the construction of the flood defences to impact upon the features of the adjacent protected site of Blackpill, Swansea SSSI, through direct loss of habitats, disturbance or changes in water quality.

Designated Sites and Habitats

By renewing the defence in this area, it can be considered that a 'hold the line' approach is being taken. As sea levels rise intertidal habitats 'migrate' landwards, there is the potential that this will lead to intertidal habitats being 'squeezed' against the hard defence and eventually lost. This potential impact should be considered when planning compensatory or mitigatory measures.

The scheme will result in the small-scale permanent loss of intertidal habitats where the footprint of the new sea defence will be constructed. It is considered that the proposed scheme would result in a total loss of 0.0074km² of intertidal habitat, or 0.163% of the total SSSI area. A test of Likely Significant Effects, usually applied as part of a Habitat Regulations Assessment for European Designated Sites, found that a 1% loss of area triggers a significant effect. Notwithstanding the above, it is recommended that compensatory measures are explored including enhancements to the sea wall itself.

In regard to the three SAC's identified within 5km of the proposed scheme. All three sites are over 3km away and not linked to the proposed scheme area with no considered pathway for any impact, furthermore, habitats featured on these site designations are not found on or near the site and, as such, species which are supported by these habitats are also unlikely to exist on or near the site.

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Terrestrial habitats identified within and adjacent to the scheme were not considered to be of high value and it is unlikely that the scheme will have a significant negative impact upon terrestrial habitats. The permanent loss of intertidal sediments within the SSSI are detailed above and it is not considered that the small-scale permanent loss of intertidal habitats will be significant. However, intertidal habitats are priority habitat nationally and it is recommended that any loss is compensated for.

Protected Species

The intertidal and subtidal mudflats described provide suitable habitat for a range of macroinvertebrate species. The range of sediment sizes present mean that diverse macroinvertebrate communities will have been able to develop, which in turn provide an important food source for bird and fish species in the area.

A Wintering Bird Survey has been undertaken. The survey involved the monitoring of target species on the foreshore through the tidal cycle. January had the highest number of birds recorded with their numbers waning through to March. Six target species form part of the SSSI designation were recorded over the survey period that are either Red or Amber listed and include Oystercatcher *Haematopus ostralegus*, Curlew *Numenius arquata*, Bar-tailed Godwit *Limosa lapponica*, Turnstone *Arenaria interpres*, Dunlin *Calidris alpina* and Redshank *Tringa totanus*.

During high tide, no birds were present apart from at Mumbles pier and no high-tide roosts were found within the proposed works area. At mid tide, more waders were present at Mumbles pier and also to the north-west of the proposed works. There were fewer birds during low tide compared to mid tide with the majority on the tide line, approximately 300m from the proposed works. At every visit, there was high disturbance on the foreshore from human activity, such as from the leisure or fishing on the promenade, that would regularly result in the disturbance of waders on the foreshore. It is concluded that the risk of disturbance to wintering bird species in the adjacent SSSI is low. Therefore, any additional disturbance due to the works is unlikely to result in a significant impact upon wintering birds.

Bats

Impacts to bats arising from the scheme are considered unlikely. Therefore, it is considered that impacts to bats will be limited to the construction phase of the project and can be mitigated with good construction practices.

otters

There is potential that Otter will commute through the works area. However, the scheme area does not hold potential for resting sites for Otter. Therefore, it is considered that impacts to otters can be managed through appropriate working practices detailed in a construction environmental management plan (CEMP).

Marine Mammals

Records for Common Porpoise and Grey Seal suggest that a limited number of these species commute or forage infrequently in the area of the works, with the potential for other species of marine mammal within the wider Bay area. Although the mudflats have the potential to be utilised by seals for hauling out and basking, this is considered unlikely due to the high use of the area.

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That being said, it is recommended that any piling operations carried out, should be of a 'soft start' carried out each day on any piling works as this will move seals and cetaceans away from the area.

Compensatory and Enhancement Measures

It is considered that the potential for a small-scale loss of intertidal habitats can be mitigated through the enhancements to the sea wall (i.e. textured formworks) to encourage growth of algae and colonisation by marine invertebrates such as periwinkles and native planting and the addition of bird and bat boxes can provide overall biodiversity net gain. Agreement has been reached to add a range of textured formworks to the sea wall and these have been included in the final design. The installation will be monitored by Swansea University and the project will help to inform a study into which texture allows the greatest colonisation. It is considered that these measures would mean that the scheme accords with both the national and local policies in relation to biodiversity net gain.

In conclusion, it is considered that subject to an appropriate Construction Environmental Management Plan (CEMP) and compensatory and enhancement measures secured by an appropriately worded conditions the impacts associated with the scheme can be suitably managed and mitigated to ensure there are no significant adverse impacts upon the ecology and biodiversity of the site.

Heritage and Archaeology

LDP Policies HC 1 and HC 2 state that the 'County's distinctive historic and cultural environment including buildings and features of historic importance will be preserved or enhanced.' This is echoed in Planning Policy Wales (Edition 11) and Technical Advice Note 24. In addition, the Mumbles Conservation Area Review SPG provides specific guidance in the expanded boundary of the Conservation Area, an up-to-date Character Appraisal and a management plan for the Area.

A Heritage Desk-based Assessment (DBA) has been prepared to determine the impact of the proposed flood defence scheme on the heritage resources of the area. The assessment builds on previous work by GGAT who produced an archaeological Desk-based Assessment.

The GGAT assessment identified nineteen sites that were considered likely to be directly affected by the proposed development, which included eight sites identified by GGAT during a walkover survey undertaken on 2nd May 2019. It also identified five Listed Buildings which would be indirectly impacted by the proposed works. The Heritage Desk-based Assessment has identified one Scheduled Monument (Oystermouth Castle), thirteen Listed Buildings and 131 non-designated heritage assets within a 500m study area of the Scheme. It also identified that the site lies partially within Mumbles Conservation Area and the Oystermouth Archaeologically Sensitive Area (ASA). It identified that the proposed development has the potential to negatively impact on heritage assets within the study area, including isolated and small areas of peat, two slipways and possible remains associated with the Mumbles railway and Dunn's Mansion.

The DBA concludes that any potential impacts of construction can be mitigated through a programme of archaeological investigation, approved by GGAT. During operation of the scheme, public realm improvement works would result in a positive change to the character of the Mumbles Conservation Area and improve access to the seafront and allow the character of the area and its cultural heritage to be appreciated and celebrated.

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The proposed development will also provide benefits to heritage assets located behind the sea wall through increased flood protection.

The two slipways located within the development area are recorded as heritage assets and will be impacted by the scheme. The impacts could range from moderate to major, depending on the exact nature of the works, which would result in a moderate to slight effect. It is recommended that impacts to these heritage assets are mitigated through preconstruction building recording, to a level agreed with GGAT (to be a minimum of Historic England Level 2 building recording) in order to preserve a record of the assets.

CADW has considered the impact of the proposed development on the designated historic assets including those above and concluded that there will be no impact on their settings.

Peat deposits have been identified during ground investigation works within the study area and peat shelves have been recorded in the past, though none were noted during the site visits. A geoarchaeological watching brief or protocol will be carried out during construction of flood defences, in accordance with a Written Scheme of Investigation to minimise the impact of that construction activities on palaeoenvironmental / peat deposits.

Heritage assets have been identified on the foreshore within the development area, relating to wrecks and wooden stakes will be preserved in situ, and where feasible protected from accidental damage during construction. If preservation in situ is deemed unfeasible an appropriate investigation and recording strategy should be agreed with GGAT and implemented prior to construction commencing.

The Swansea and Mumbles Railway Line lies within the site boundary. To minimise the impact of construction activities, on this heritage asset works along the promenade which may impact the remains of the Mumbles Railway Line will be subject to a watching brief. Dunn's Mansion is recorded within the local Historic Environment Record (HER) and its known location is within the footprint of the permanent works. Construction works in this location will also be subject to a watching brief.

Overall, it is considered that subject to according with the submitted Written Scheme of Investigations for Building Recording and Archaeological Mitigation the scheme would not have any significant impact upon any historic or cultural environment including any buildings and features of historic importance. Therefore, the proposed scheme is considered to accord with the national principles of the Planning Policy Wales (Edition 11) including Technical Advice Note 24. Furthermore, it is also considered to be compliant with LDP policies HC 1 and HC 2 and the Mumbles Conservation Area Review SPG.

Flood Risk

Planning Policy Wales (Edition 11) including Technical Advice Notes 14 and 15, National Strategy for Flood and Coastal Erosion Risk Management in Wales, the Flood and Coastal Erosion Risk Management Programme for 2020-2021, the Future Wales: The National Plan 2040, the Wellbeing of Future Generations (Wales) Act 2015, local strategies of the Lavernock Point to St Ann's Head Shoreline Management Plan (SMP2), the City and County of Swansea Flood Risk Management Plan 2015 and the LDP policies ER 1 and RP 5, all look to reduce flood risk and the associated measures to manage the potential for flooding.

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The purpose of the proposed development is to provide a suitable and sustainable scheme of flood defences. The proposed development will construct a series of coastal flood defences along Mumbles Bay to reduce the risk of erosion of the foreshore and provide a 1 in 200 annual exceedance probability standard of protection with an allowance for climate change to 2070. The proposed scheme is itself a response to the consequences of climate change. Climate change is resulting in more extreme weather phenomena and will continue to cause flood events to be more frequent, more severe and less predictable. The potential impact climate change will have upon storminess could further exacerbate these issues. The scheme has been designed to incorporate allowances for current and future climate change to 2070.

A Flood Consequence Assessment (FCA) has been submitted in support of the application. The FCA concludes that when analysing the effect of the proposed coastal scheme for the lifetime of the development, the benefits of the scheme to the wider community greatly outweigh the potential short-term impacts associated with the construction phase.

Therefore, the scheme accords with the principles of the National Strategies and Policy mentioned above as the proposed development would provide a 'Hold the Line' scheme to manage flood risk that takes into account climate change until 2070. Furthermore, it is also considered to be compliant with LDP policies ER 1 and RP 5.

Ground Contamination

The potential for ground contamination is a material planning consideration in relation to the scheme. LDP Policy RP 6 states that '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.'

A Geotechnical Interpretive Report has been submitted in support of the application. Whilst the report identifies the possibility for various potential contaminants to be present associated with the historic development and usages of the site and the areas inland, the coastal defence structures themselves are not sensitive end uses with respect to potential contaminated land. Furthermore, the proposed upgrading of the existing defences is mostly to be set forward of/overlying the existing defences, therefore the potential for encountering any contaminated land behind the existing defence line is limited.

Public Rights of Way

LDP Policy T 7 states that development that significantly adversely affects the character, safety, enjoyment, and convenient use of a PROW will only be permitted where an acceptable alternative route is provided. Policy T 2 also outlines that 'development must take opportunities to enhance walking and cycling access by incorporating within the site'. These policies are considered consistent with the national policies and strategies of Planning Policy Wales (Edition 11) and the Wellbeing of Future Generations (Wales) Act 2015.

The Wales Coast Path runs directly through the site and along Mumbles promenade. Whilst the construction phase of the project would require temporary closures to the Wales Coast Path, the proposed works are to be phased (closing only one single 100m section of promenade at any one time) commencing from the east to west.

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Once operational the scheme would provide betterment of the existing public rights of way along the promenade to reduce cyclist and pedestrian conflict by widening the width to approximately 6 metres to create a segregated pedestrian footpath and cycleway. It is considered that these short-term impacts will be outweighed by the increased protection from flood risk and erosion once the scheme is operational, ensuring the PRoW can continue to be used long-term. The scheme will also encourage increased recreational use of the area by providing a convenient and attractive route in accordance with the national principles of the Planning Policy Wales (Edition 11), the Wellbeing of Future Generations (Wales) Act 2015 and the Welsh Government Active Travel Guidance 2020-2021. The scheme is also considered to be compliant with LDP Policy T 7 and the current adopted Countryside Access Plan.

Construction of the Proposed Development

Once a contractor has been appointed, a detailed Construction Method Statement will be prepared for the proposed scheme. The proposed works are to be phased commencing from the east to west with construction programmed to take approximately 18 months to complete. It is also anticipated that Construction Site Compounds will be set up on the site of the existing Tennis courts - to be used for Site office set up / welfare / site parking and limited stores; and boat storage area - to be cleared as early as possible within the programme and used as a material store.

No operational air quality impacts are predicted from the proposed development however, to minimise the risk of causing statutory nuisance the construction contractor will adopt a Best Practical Means approach in controlling emissions.

Whilst no operational noise impacts are predicted from the proposed development, an outline Construction Environmental Management Plan (CEMP) has been submitted in support of the application. The outline CEMP sets out the controls to be implemented during construction to effectively manage environmental risks such as noise, tranquillity, amenity and health are minimised. The majority of the construction noise impacts will be negated by good practice, including The Best Practicable Means, as described in Section 79(9) of the Environmental Protection Act 1990 and BS5228 Code of Practice for Noise and Vibration Control on Construction and Open Sites 2009 which will typically include: working hour restrictions; traffic management; materials management; vehicle maintenance and management; and noise management.

Construction Traffic

There is a potential impact to the local road network and surrounding area due to the movements generated by construction traffic. Deliveries to and from the site will be along Oystermouth/Mumbles Road which at times can be congested. It is estimated that between 10 and 30 additional construction vehicles per day could be generated as part of the scheme. A contractor's traffic management and delivery strategy will be conditioned as part of the scheme.

Conclusion

The existing coastal defences provide some protection to people, property, local businesses and infrastructure. However, the existing defences are in poor condition and at risk of coastal flooding. The scheme is required to improve the deteriorating flood protection, so that Mumbles will continue to be protected now and in the future, as flooding is predicted to significantly increase with sea levels set to rise (estimated at 0.39m) between 2021 and 2070.

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The proposed scheme involves the construction of a series of coastal flood defences along Mumbles Bay in three main sections; the encasement of the existing seawall with stepped apron and steel sheet piled toe; the construction of new sea wall and parapet, aligned seaward of the existing structure with stepped apron and steel sheet piled toe; and the encasement of the existing inclined revetment structure with parapet and a steel sheet piled toe.

In addition to providing flood protection, the scheme also provides wider benefits for regeneration and tourism as works include widening of the existing promenade to provide space for both pedestrians and cyclists, improving connectivity to the town centre and local businesses, improving accessibility, and promoting sustainable active travel for non-car modes.

Additionally, parking provision has been revamped along the scheme to allow for better access to the promenade and wider facilities. Other associated public realm improvements include improved seating, views and connectivity, and enhanced hard and soft landscaping to create a sustainable and attractive waterfront that benefits both residents and visitors.

The technical assessments that have been prepared in support of the planning application have demonstrated that there will be no significant adverse effects arising from the proposed development in terms of landscape and visual changes or biodiversity or ecology impacts.

The scheme has been designed to avoid tree removals. Although 5no. trees have been identified for removal, this is based on their health and condition, the trees do not need to be removed to accommodate the scheme and 3 of the 5 trees are outside of the development boundary.

Biodiversity enhancements have been considered that include enhancements to the sea wall (i.e. textured formworks) to encourage growth of algae and colonisation by marine invertebrates. This will help to mitigate any potential small-scale loss of intertidal habitats in relation to the scheme construction. The minor impacts resulting from the identified tree removals will be mitigated by the extensive tree and shrub planting proposed as part of the scheme.

Any negative impacts resulting from the construction phase of development will be temporary and short-term. It is considered that these impacts will be managed through an appropriate Construction Environmental Management Plan and will be outweighed by the long-term benefits of the scheme that protect people, property, businesses and infrastructure from flooding, whilst making Mumbles a more attractive place to visit.

Overall benefits described within this statement, illustrate that the proposed development is fully in accordance with the provisions of national planning guidance as well as those policies of relevance within the Local Development Plan.

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

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

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:

CH1101-AMEY-LLO-XX-DR-CH-0101 rev P01 Site Location and Land Ownership Plan; CH1101-AMEY-HGN-XX-DR-CH-0102 Rev P01.1 General Arrangement Plan; CH1101-AMEY-HGN-XX-DR-CH-0106-S2-P01 - General Arrangement Plan; CH1101-AMEY-HGN-XX-DR-CH-0107-S2-P01 - Typical Sections (Site 1); CH1101-AMEY-HGN-XX-DR-CH-0108-S2-P01 - Typical Sections (Site 2); CH1101-AMEY-HGN-XX-DR-CH-0109-S2-P01 - Typical Sections (Site 3); CH1101-AMEY-HGN-XX-DR-CH-0110-S2-P01 - Typical Sections (Site 4); CH1101-LDA-ELS-XX-DR-LS-001000-S2-P01 - Illustrative General Arrangement Locator Plan; CH1101-LDA-ELS-XX-DR-LS-001001-S2-P01 - Illustrative General Arrangement Plan (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-001002-S2-P01 - Illustrative General Arrangement Plan (Sheet 2); CH1101-LDA-ELS-XX-DR-LS-001003-S2-P01 - Illustrative General Arrangement Plan (Sheet 3); CH1101-LDA-ELS-XX-DR-LS-001004-S2-P01 - Illustrative General Arrangement Plan (Sheet 4); CH1101-LDA-ELS-XX-DR-LS-001020-S2-P01 - Hardworks Layout Plan (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-001021-S2-P01 - Hardworks Layout Plan (Sheet 2); CH1101-LDA-ELS-XX-DR-LS-001022-S2-P01 - Hardworks Layout Plan (Sheet 3); CH1101-LDA-ELS-XX-DR-LS-001023-S2-P01 - Hardworks Layout Plan (Sheet 4); CH1101-LDA-ELS-XX-DR-LS-001040-S2-P01 - Softworks Layout Plan (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-001041-S2-P01 - Softworks Layout Plan (Sheet 2); CH1101-LDA-ELS-XX-DR-LS-001042-S2-P01 - Softworks Layout Plan (Sheet 3); CH1101-LDA-ELS-XX-DR-LS-001043-S2-P01 - Softworks Layout Plan (Sheet 4); CH1101-LDA-ELS-XX-DR-LS-003000-S2-P01 - Landscape Sections (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-003001-S2-P01 - Landscape Sections (Sheet 2) - plans received 14 December, 2021.

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

- 3 Prior to the commencement of development, full details of a scheme for the structural protection of the public sewers and watermain, to include the precise location of the sewers and watermain in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Any physical protection measures shall be implemented in accordance with the approved details prior to the commencement of development. All temporary physical protection measures shall be retained thereafter for the duration of the construction works and any permanent physical protection measures shall be retained for the lifetime of the development.

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

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- 4 No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the public sewers and watermain crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.
Reason: To ensure that the proposed development does not affect the integrity of the public sewerage and water supply system in the interests of public health and safety.
- 5 Notwithstanding the details indicated in the Green Infrastructure Strategy and the application, a fully detailed scheme of hard and soft landscaping of the green infrastructure including the species, spacings and height when planted of all new planting shall be submitted to the Local Planning Authority prior to the development of the superstructure. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 6 Notwithstanding the details indicated in the application, a fully detailed scheme of hard landscaping of the public realm area including external surfaces, street furniture, lighting, security measures, vehicle and pedestrian access and circulation, planting and surface water drainage infrastructure shall be submitted to the Local Planning Authority prior to the development of the superstructure works.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and to enhance the character and appearance of the area.
- 7 Prior to the completion of the development, the proposed management strategy for the future management and maintenance of the development including all areas of public realm, external space and soft landscaping within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.
Reason: To ensure that the public realm and landscaped areas are subject to a future management and maintenance agreement to ensure that they are adequately maintained.
- 8 Prior to any piling operations being carried out, detailed plans of any piling operations to be carried out within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or other foundation designs using penetrative methods will only be allowed for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

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Reason: To ensure that a statutory nuisance does not for neighbouring premises and in order to assess potential for pollution of controlled waters from inappropriate methods of piling.

- 9 No works shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with that outlined in 'Written Scheme of Investigation for Building Recording: Mumbles Sea Front' (JBA Consulting report no. SP-HE-0001-S4-P03, dated December 2021).

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact.

- 10 No development shall take place until a programme of archaeological work in accordance with that out-lined in 'Written Scheme of Investigation for a Programme of Archaeological Mitigation: Mumbles Sea Front' (JBA Consulting report no. SP-HE-0002-S4-P03, dated December 2021) has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved scheme.

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

- 11 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials including a Delivery Management Plan;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 12 No development or phase of development, shall commence until a site wide, final version of a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Updates to the CEMP 3.0 should include:

- Further information regarding Protected bird species, this should include a working method statement which minimises disturbance to feeding and roosting birds with the Blackpill SSSI

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- Further detail in the Biosecurity Risk assessment especially in respect of Marine Species.
- Pollution prevention: dirty water treatment facilities from the start of the project to deal with all contaminated surface water and water pumped out from within working areas. Management of suspended solids.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.

Reason: In order to reduce the impact on migratory birds (including Sanderling, Ringed Plovers and Oystercatchers) and to avoid damaging the features for which the Blackpill SSSI is of special interest.

- 13 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees to be retained. The approved scheme shall thereafter be carried out during the demolition of the buildings and throughout the course of the development.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area.

- 14 Prior to commencement of development, details of the proposed access works to the highway and the detailed design of the proposed parking spaces, shall be submitted to and approved in writing by the local planning authority. All works relating to the highway and parking shall be adhere to full technical approval and assessment and full stages of road safety audit, and shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety

- 15 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 16 No development shall commence (excluding demolition, excavation, site preparation and enabling works) until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network.

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Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any respective phase of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public foul sewerage system.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [Future Wales - Policy 8, LDP Policies PS2, HC1, HC2, ER1, ER2, ER9, T1, T2, T5, T6, T7, RP5]

2 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).

3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

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

4 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

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5 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

6 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 unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

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.

Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

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Item 6

Application Number: 2020/2151/FUL

Ward: Morriston - Area 1

Location: 136-137 Woodfield Street, Morriston, Swansea, SA6 8AL

Proposal: Change of use of ground floor shop (Class A1) to Restaurant (Class A3), new shopfront, installation of rear door, external stairs, external flue and retention of shopfront.

Applicant: Mr Kandiah Thavapatham



Background Information

Site History

App Number

2020/2151/FUL

Proposal

Change of use of ground floor shop (Class A1) to Restaurant (Class A3), new shopfront, installation of rear door, external stairs, external flue and retention of shopfront.

Status

PDE

Decision Date

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Background

The application is being reported to Committee as a departure from the development plan given the nature of the use in a District Centre and the applicant has not undertaken the required 12 month marketing process as required by Policy RC 9.

The original submitted proposal did not include the approval of the new shopfront. However, during the consideration of the scheme, it became apparent that it had not been installed in compliance with the above 2018 planning permission and as such, it has been now been included in the description and overall consideration of the proposal.

Site Location

The site is located within the principal shopping area of Morriston District Centre, within the Morriston Conservation Area. The site is located between a large A1 convenience store unit and an Estate Agents (operating out of two adjoining premises). The premises occupy 2 units, Nos. 136 and 137 Woodfield Street that were amalgamated and previously occupied by Bentley and Brown over 2 floors (hair and beauty). A bus stop is located to the front with double yellow lines along the site frontage. The first floor is used as a 2 x bedroom flat.

Description of Development

The proposal is to change the use of the ground floor of the units (Class A1) to a restaurant/café (Class A3) with a new shopfront, installation of rear door, external stairs and external flue (measuring 5m in height). The restaurant proposes opening hours of 0600 hrs to 2400hrs on any day.

Planning Policy

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

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

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition – February 2021)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government.

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

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

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

Paragraph 3.4 notes that meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Local Development Plan 2010-2025

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

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

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

RC 5 District Centres – There are 9 designated District Centres. Proposals will be required to maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities and be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre.

RC 9 Ground Floor Non-Retail Uses within Centres - Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to the specified policy principles. Business (Class B1) and residential (C3) uses will not generally be supported at ground floor level.

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 networks. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met relating to need and impact mitigation/compensation.

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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 NAPPA 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

District Centres, Local Centres and Community Facilities (Adopted October 2010)

Consultations:

The application was advertised on site and via Press Notice and Site Notice on 14th March 2022 as a departure application and nine individual properties were consulted.

No representations have been received to date but the Press Notice expires on the day before Committee. Any additional comments would be provided verbally at Committee.

Pollution Control Officer:

There appears to be first floor residential which was confirmed by an employee of Dawsons. Also, with the buildings extending out on either side, there is likely to be reflection of sound too. The ambient noise was from traffic on Woodfield Street, but noise levels to the rear of these buildings were noticeably lower than street side so overall there is a potential for noise issues by the introduction of this extraction system.

Condition as follows:

No development shall take place until a scheme for ventilation extraction, including full details of the equipment to be installed for that purpose has first been submitted to and approved by the Local Planning Authority. Details provided should include:

- * Flue design including termination height,
- * Location and installation method of all fans/air movement devices,
- * Noise rating of all fans/air movement devices,
- * Details of any noise mitigation i.e. silencers or enclosures,
- * Odour control for the system including type of cooking, types of filters to be used and cleaning/maintenance schedule.

It is strongly recommended that a noise assessment is carried out to ensure the proposed system will not have any adverse impact on the noise sensitive receptors on the first floor of the adjacent buildings. This noise assessment should be in line with BS4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound).

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Additional comments following further ventilation details

As long as they install the fans & silencers as set out then there's no objection from Pollution. However, the initial proposals for odour abatement are very different to just grease filters. I would like to see an odour abatement system as part of both applications due to the proximity of buildings and the heights of discharges.

Placemaking and Heritage Lead:

The site lies within the Morrision Conservation Area. As set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 a Conservation Area is defined as an area of 'special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 72 of the Act specifies that in making a decision on an application for development in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. This is reinforced by policy HC 2 of the Swansea LDP.

The proposal seeks the change of use of the ground floor shop (Class A1) to Restaurant (Class A3), new shopfront, installation of rear door, external stairs and external flue.

In terms of external alterations, the drawings show the proposed shopfront to be retained as existing. The only indicated change to the front façade of the building appears to be the reinstatement of a fascia. The fascia is shown to be sited within the traditional fascia level. No further details have been provided.

It should be noted that a separate advertisement consent would be required for any new signage and associated lighting.

In terms of other alterations the proposal seeks the installation of a rear door, external stairs and external flue. All these works are to the rear of the building and would not be visible from the streetscene, and hereby would have no impact on the character and appearance of the Conservation Area.

In relation to the consideration of Green Infrastructure measures, having considered the scale and nature of this application, it is clear that there are manifestly no reasonable opportunities to integrate GI into this proposal.

The additional drawings submitted relate solely to amendments to the proposed extractor fan located to the rear of the building. The additional information seeks to address points raised by I previous comments by Pollution Control colleagues.

The extractor flue is shown in a revised location (still to the rear of the building) and is shown to terminate just above the two storey rearward projection at the building. Due to the setback and adjoining built form, it is unlikely that there will be any views of the extractor flue from the public domain, and hereby there would be no detrimental impact on the character or appearance of the conservation area.

The shopfront includes independent front access to the upper floor flat which is welcomed.

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Final Comments:

This shopfront application can now be approved.

The details proposed reflect tradition shopfront details such as timber pilasters and stall risers with panel details. The angled fascia bookended by corbels will conceal the external roller shutter box. Overall the proposal is welcomed and will enhance the conservation area.

It does not appear that the shutter is annotated to be 75% visually transparent as required by the Shopfront and Commercial Frontages SPG. Rather than refuse this application, this can be required via condition.

Two things to control by condition:

- The angled fascia must conceal all of the front of the external roller shutter box (shown fully covered on elevation but partially covered in section)
- The external shutter shall be amended to 75% visually transparent shutter within 6 months of this consent.

Strategic Planning:

Principle of Development

The application site is located within the Morriston District Centre (Policy RC 5). The main issue for consideration is whether the potential loss of retail units (Class A1) within the Morriston District Centre will have an unacceptable impact on the Centre's primary retail function.

Policy RC5 requires all planning applications to retain the predominant shopping role and function of Centres, but does also recognise that a range of commercial and community facilities can generate footfall and help maintain a Centre's vibrancy and attractiveness. Regard must be given to the five criteria listed in the Policy. I have addressed these individually below:

i. Maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities;

The policy amplification states that District Centres can provide opportunities for an appropriate blend of non-retail uses that can play an important role in sustaining vitality and viability. Therefore it is considered that the change of use to a restaurant (Class A3) is acceptable in this location.

ii. Be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre;

The proposed unit is currently vacant and demand for new retail provision is low which has been exacerbated by the Covid-19 pandemic. The proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability.

iii. Ensure that ground floor uses contribute to an attractive and vibrant street scene throughout the day;

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The existing unit provides an active frontage at street level that any future occupant must maintain. Furthermore, it is vital that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours.

iv. Retain the predominant shopping role and function of the Centre;

Policy RC5 supports a range of uses in addition to Class A1 retail, which includes Class A3 food and beverage premises, in the interests of sustaining a mix and balance of uses that can generate footfall and help maintain vibrancy and attractiveness. Notwithstanding this this criteria does highlight the need to respect the primary shopping function of the Centre. The preference for retaining and encouraging retail where possible and ground floor level, as set out in the policy, must be balanced against the realities of the fundamental shift in the retail industry and shopping habits. It is also the case that cafés and restaurants provide an important function in their own right ensuring that footfall generated by the primary retail function of the Centre is retained within the Centre, and consumers and shoppers do not have to leave the Centre during the course of their shopping trip, thereby retaining economic activity in the Centre. An on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an adverse impact on the primary shopping function.

v. Be consistent with the aims of maintaining and improving the quality of the physical environment, the provision of short term parking, and accessibility by public transport and Active Travel.

Morrison is highly accessible by foot and public transport, with services connecting the District Centre with outlying residential areas as well as the City Centre. On street parking is available along the length of Woodfield Street and connecting residential streets. In addition, around 120 spaces are available in off-street car parks.

Decisions on the suitability of Class A3 proposals should also be made having regard to the criteria set out in Policy RC 9 Ground Floor Non-Retail Uses within Centres. The policy states that, within the Morrison District Centre, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the Centre. Regard must be given to the seven criteria listed in the Policy which have been addressed below:

i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more non retail uses

The site lies to the eastern end of Morrison District Centre. Morrison is a well-established Centre, the largest in the County, which offers a good range of shops and services. Policy RC 9 seeks to protect Retail (Class A1) uses at ground floor level within Centres, any proposal that would lead to a continuous run of 3 or more ground floor non-retail uses within a centre would not be considered acceptable. If the application was approved this would not create a continuous run of 3 or more non-retail uses (on the basis that the applications site comprises 1 unit, as does the adjacent Dawsons premises).

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ii. The effect upon the shopping function of the centre, either individually or in combination with other non- A1 retail uses

The location of non-retail uses within close proximity to the application site does give rise to a degree of concern on the impact of the centre's primary retail function. However Policy RC9 does recognise that, in addition to Class A1 retail, a range of uses within Centres can generate footfall and help maintain the Centres vibrancy and attractiveness. Ultimately, an on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an adverse impact on the primary shopping function.

iii. The nature and design of the shop front and window display that is to be provided

The site lies within the Morriston Conservation Area (Policy HC 1). A comprehensive review of Morriston Conservation Area was undertaken in November 2017. The review identified an erosion of traditional detail along Woodfield Street and raised concerns about the general character of the area. A step change in the quality of alterations and commercial frontages is needed along Woodfield Street to halt the erosion. The Council has adopted an updated Shop Front Design Guide as Supplementary Planning Guidance (SPG) which is used to guide proposals for new commercial frontages. The guidance provided in the Conservation Area Review provides specific information for the Morriston Conservation Area and these documents will work hand in hand to guide such proposals in this area. The existing unit provides an active frontage at street level that any future occupant must maintain.

iv. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;

The site consists of two properties which have been merged to make a fairly large unit in comparison to most other units in the Centre. It sits at the northern end of Woodfield Street which hosts a mix of uses and some vacant commercial premises.

v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses

It is considered that the proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability. It is essential that any future occupant maintains an active frontage.

vii. The likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier.

The applicant suggests that the unit has been vacant since January 2020, which is an important consideration. However the applicant has been unable to produce evidence of marketing the unit for a period of 12 months or more. The Council's land use survey records indicate the property has been vacant for a number of months. It is also noted that the unit is currently being marketed as a Class A1 retail unit. Therefore, despite the lack of marketing evidence, it is reasonable to conclude that the unit is unlikely to be successfully marketed as a retail unit.

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Regard must also be given to the latest National guidance and the severe economic impact of the Covid-19 pandemic. Edition 11 of Planning Policy Wales (PPW) recognises the importance of sustaining and enhancing Centres and encourages a diversity of activity and uses within Centres. Significantly, it states that, where economic decline is impacting on a retail and commercial centre, a sole emphasis on retaining A1 uses in premises - either in primary or secondary areas - that have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances PPW encourages planning authorities to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels. Welsh Government have published guidance that reaffirms its commitment to placemaking with a people-focused and placemaking-led recovery from the pandemic.

The Building Better Places: The planning system delivering resilient and brighter futures guidance includes specific reference to commercial centres. Welsh Government recognises that retailers are facing financial difficulty and as a consequence vacancy rates are expected to rise dramatically in commercial centres. To prevent this it emphasises how commercial centres must adopt a more flexible approach allowing for more leisure uses, amongst other uses, to create a hub of activity thus making commercial centres viable as go-to destination once again. Furthermore, to support the reopening of businesses and their efforts to create safe environments for the public to feel confident to return to the high street the Welsh Government are temporarily relaxing planning control for specified development through amendments to the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO"). It is notable that within a defined centre, for a temporary period, change of use from Class A1 to Class A3 is not required. In the short term, the Welsh Government wants to facilitate temporary changes of use to enable businesses to trial alternative uses within town centres for a short period of time. This is intended to enable them to trial alternative uses and get initial feedback as to whether the start-up is likely to be viable without the expense and delay associated with submitting a planning application.

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

FW Policy 2 sets out that:

- development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

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In summary, despite the concerns regarding a loss of A1 use in the Morriston District Centre, the proposal would not result in a row of 3 non-retail units. The inherent benefits of an A3 use are acknowledged and regard also given to the latest National Guidance. As a consequence, subject to the Case Officer being in agreement that there are no other issues to consider regarding the principle of the use change, after careful consideration, on balance in this instance the proposed change of use from A1 to A3 is considered acceptable at this current time. However, it is vital that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours. National and local planning policy recognises that an appropriate mix of uses can maintain the viability of Centres as go-to destinations.

In terms of external alterations, it looks like they are retaining the existing shopfront and the only change to the front façade is the reinstatement of a fascia. Any signage/lighting would be subject to a separate application. All other alterations are to the rear of the building and will not be visible from the streetscene.

APPRAISAL

The proposal is to use the current property as a restaurant with external alterations and a rear flue.

Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposal on the vitality and viability of the Morriston District Centre as well as impact upon the Morriston Conservation Area where any development will need to preserve or enhance its overall character and appearance as well as residential amenity and highway safety having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

As indicated above, the requirements of Policies RC5 and RC9 are particularly relevant to the determination of this application in terms of impact upon the District Centre.

The amplification goes on to state that District Centres need to retain appropriate retail opportunities to ensure they are vibrant and attractive locations that are well equipped to support the communities they serve. This includes providing for an appropriate range and choice of convenience shopping facilities to meet day to day needs.

District Centres also provide opportunities for an appropriate blend of non-retail uses that can play an important role in sustaining vitality and viability. The criteria set out in the policy seeks to ensure that development proposals deliver the right offer and balance of facilities in order to encourage investment.

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A flexible approach will be taken to the consideration of proposed changes of use where appropriate to respond to changing needs and circumstances, but within an overarching framework of safeguarding the primary shopping function of Centres.

As indicated above, the site is located within the Morriston District Centre between a large A1 retail unit (Lifestyle Express) and an A2 use (Dawsons). The applicant's agent has advised that the site has been up for sale since January 2020 and there has been little interest in the site as a retail unit due to its proximity to the existing adjoining retail unit. This is supported by Google Maps streetview which indicates that the property was vacant in May 2019.

Opening hours of 0600 to 2400hrs have been provided and the agent has confirmed that the property would be used as a café during the day and restaurant in the evening. The use therefore would not result in a dead frontage during the day and would still encourage footfall into the District Centre thus contributing towards maintaining the vibrancy and vitality of the District Centre.

The Strategic Planning and Placemaking Officer has provided detailed comments above in relation to the specific criteria of Policies RC 5 and RC 9 and in summary, they acknowledged that the policy amplification states that District Centres can provide opportunities for an appropriate blend of non-retail uses, such as this, that can play an important role in sustaining vitality and viability. The proposed unit is currently vacant and demand for new retail provision is low which has been exacerbated by the Covid-19 pandemic. The proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability. The existing unit provides an active frontage at street level that any future occupant must maintain. Furthermore, it is vital that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours.

The preference for retail and encouraging retail where possible and at ground floor level, as set out in the policy, must be balanced against the realities of the fundamental shift in the retail industry and shopping habits. It is also the case that cafés and restaurants provide an important function in their own right ensuring that footfall generated by the primary retail function of the Centre is retained within the Centre, and consumers and shoppers do not have to leave the Centre during the course of their shopping trip, thereby retaining economic activity in the Centre. Morriston is highly accessible by foot and public transport, with services connecting the District Centre with outlying residential areas as well as the City Centre. On street parking is available along the length of Woodfield Street and connecting residential streets. In addition, around 120 spaces are available in off-street car parks.

The site lies to the eastern end of Morriston District Centre. Morriston is a well-established Centre, the largest in the County, which offers a good range of shops and services. Policy RC 9 seeks to protect Retail (Class A1) uses at ground floor level within Centres, any proposal that would lead to a continuous run of 3 or more ground floor non-retail uses within a centre would not be considered acceptable. If the application was approved this would not create a continuous run of 3 or more non-retail uses.

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The location of non-retail uses within close proximity to the application site does give rise to a degree of concern on the impact of the centre's primary retail function. However Policy RC9 does recognise that, in addition to Class A1 retail, a range of uses within Centres can generate footfall and help maintain the Centres vibrancy and attractiveness. The site consists of two properties which have been merged to make a fairly large unit in comparison to most other units in the Centre. It sits at the northern end of Woodfield Street which hosts a mix of uses and some vacant commercial premises.

The applicant suggests that the unit has been vacant since January 2020, which is an important consideration. However the applicant has been unable to produce evidence of marketing the unit for a period of 12 months or more. The Council's land use survey records indicate the property has been vacant for a significant number of months. It is also noted that the unit is currently being marketed as a Class A1 retail unit. Therefore, despite the lack of marketing evidence, it is reasonable to conclude that the unit is unlikely to be successfully marketed as a retail unit.

Regard must also be given to the latest National guidance and the severe economic impact of the Covid-19 pandemic. Edition 11 of Planning Policy Wales (PPW) recognises the importance of sustaining and enhancing Centres and encourages a diversity of activity and uses within Centres. Significantly, it states that, where economic decline is impacting on a retail and commercial centre, a sole emphasis on retaining A1 uses in premises - either in primary or secondary areas - that have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances PPW encourages planning authorities to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels. Welsh Government have published guidance that reaffirms its commitment to placemaking with a people-focused and placemaking-led recovery from the pandemic.

Whilst it is recognised there is already a high degree of non-retail uses in this immediate area, it is noted that there are other circumstances to consider and the proposal is therefore finely balanced. The site appears to have been vacant for a considerable period of time and there is a degree of support at a national level to encourage diversity and ensure centres are vibrant. Allied to this, the existing unit would not fall squarely within an A1 use class given its mixed nature. It is currently considered that the chance of the unit remaining empty is high and this would have a detrimentally deadening effect on the district centre. On balance, the principle of the development is considered acceptable.

A condition is recommended that the premises is retained as a restaurant/ café and is not used solely for takeaway use given the justification noted above and such a use would unduly impact upon highway safety. Whilst opening hours can be conditioned to ensure the proposal is open in the daytime, it cannot be guaranteed that it would be open and there is no planning mechanism to ensure this.

Visual Amenity

The external changes proposed from that currently on site are relatively minor. The alterations to the front elevation are the same as those that were approved under the aforementioned planning permission (Ref: 2019/1443/FUL) and are only ones that would be prominent from the Conservation Area context as the other alterations are proposed to the rear.

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These include a traditional fascia with pilasters and plinths that would give the premises a more traditional appearance. In addition, the windows at first floor on the front elevation are proposed to be changed to provide a more vertical emphasis rather than the windows that have been amended without permission. A condition to undertake the works within a prescribed time frame of 3 months is considered necessary given that the current alterations are unauthorised and harmful to the Conservation Area.

A large flue is proposed on the rear elevation but the Placemaking and Heritage Officer has raised no concerns in this regard given its siting even though it would extend marginally above the ridge. It is unlikely to be overly prominent from Woodfield Street given its siting however.

The Placemaking and Heritage Officer offers no objection to the proposal but still raises some concern with the existing roller shutter on the premises. He does consider however, that providing details showing the roller shutter being amended to a 75% visually transparent shutter with the angled fascia concealing all of the front of the external roller shutter box and approved and installed within a specified timescale, then no objection is raised. Whilst he has suggested 6 months, it is considered more prudent to require within a shorter time period in line with what would be expected if enforcement action was initiated. Therefore, the changes should be undertaken within 3 months of the date of any permission granted.

With the addition of these conditions it is considered that the proposal will preserve or enhance the overall character of the Morriston Conservation Area, thus complying with Policies PS2, HC1 and HC2.

Residential Amenity

There is a residential flat above the proposed restaurant so the operating hours would have an impact upon their living conditions. However, living in a district centre, any resident would have to take into account and accept that there would be more coming and goings and noise and disturbance than in an out of centre location.

Operating hours have been specified as 6am to 12am. The opening hours of other A3 units within Woodfield Street have been researched and they range from 7am to 12am with the later opening hours mostly relating to Friday and Saturday night. Therefore, it is recommended that the unit is open from 7am to 11pm Sunday to Thursday but open until 12am on a Friday and Saturday night. This is considered reasonable as these will not restrict the business but also take into account the living conditions of occupiers of the flat above and other nearby premises.

In addition, the Council's Pollution Control Officer is happy with the ventilation system proposed in terms of noise as the applicant's agent has provided confirmation that the silencers would be used and the external fan would be soundproofed to prevent breakout noise. However, in terms of odour, further details on odour abatement are requested and would be secured via condition requiring the details to be submitted prior to the first beneficial occupation of the unit.

Highway/ Movement

The site is a sustainable location for a restaurant and has ample space for deliveries to be made at the rear.

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There is not much space to the front of the site for parking (given the location of a bus stop and double yellow lines) and as such, the site is not particularly well placed for a predominantly takeaway use, and a condition removing the potential use as a full takeaway use is recommended.

However, and although the site will be a restaurant, there will be an element of takeaway use but this will be ancillary to the main restaurant use and would not pose a significant issue. It is considered therefore that the use would not result in undue impact upon highway safety to an extent that would warrant a recommendation of refusal on this issue alone.

Biodiversity

Whilst 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, given the limited nature of the proposals and limited opportunities for ecological enhancement on these types of buildings, it is not considered necessary to include a condition in this instance.

Conclusion

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

In conclusion and having regard to all material planning considerations, whilst the proposal is a technical departure to the Development Plan, it is considered on balance to be an acceptable form of development at this location that would not unduly impact upon the viability and vitality of the District Centre. The proposals are not considered to be visually detrimental to the character and appearance of the Morriston Conservation Area. The proposal is therefore considered to comply with the criteria of Policies PS2, HC1, HC2, RP2, RP3, RC9 and RC5 of Swansea's Local Development Plan 2010-2025. Approval is therefore 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: location plan, block plan received 26th October 2020,, extractor details received 9th April 2021 silencer details received 3rd November 2021, A304 G proposed elevations received 21st February 2022.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 The use hereby permitted shall not be carried out and no customers shall be allowed on the premises outside the hours of 7am to 11pm Sunday to Thursday and 7am to 12am Friday and Saturday.
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 4 The premises shall be used as a restaurant/cafe only and for no other purpose (including any other purpose in class A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).
Reason: In the interests of highway safety and preventing undue impact upon the vitality and viability of the Morriston District Centre.
- 5 Prior to the commencement of development, full details of an odour abatement scheme including details of the equipment to be installed for that purpose and maintenance details shall be submitted to and approved by the Local Planning Authority. The odour abatement scheme shall thereafter be installed in accordance with the approved details prior to the first beneficial occupation of the development and retained and maintained thereafter in accordance with the approved details.
Reason: To ensure the extraction system will not have any adverse impact on the odour sensitive receptors on the first floor of the adjacent buildings or nearby.
- 6 The flue ventilation system shall not exceed 40dBA and shall be installed in accordance with the details submitted on 9th April 2021, 20th October 2021, and Drawing No. A304 Rev. C prior to the first beneficial use, and retained and maintained as such thereafter for the lifetime of the development.
Reason: To ensure the extraction system will not have any adverse impact on the noise sensitive receptors on the first floor of the adjacent buildings.
- 7 Notwithstanding the details hereby approved, full details of a replacement roller shutter concealing all of the front of the external roller shutter box behind the angled fascia and incorporating 75% visual transparency, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site.

The existing unauthorised roller shutter on the front elevation shall be removed within 3 months of the date of this permission.

Reason: In the interests of preserving and enhancing the character and appearance of the Morriston Conservation Area in a timely manner.
- 8 Within 3 months of the date of this permission, the amendments to the shop front and windows on the front elevation, as shown on Drawing No. A304 REV G received on the 21st February 2022, shall be completed in their entirety.
Reason: In the interests of preserving and enhancing the character and appearance of the Morriston Conservation Area in a timely manner.

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Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:
Policy 2, 3
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, RC5, RC9, HC1
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 3 The applicant is advised that proposed signage would be subject to a separate advertisement application.
 - 4 The applicant is advised that the unauthorised changes to the first floor windows shall be the subject of a separate planning application.
-

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Item 7

Application Number:

2021/2011/FUL

Ward:

Gower - Area 2

Location:

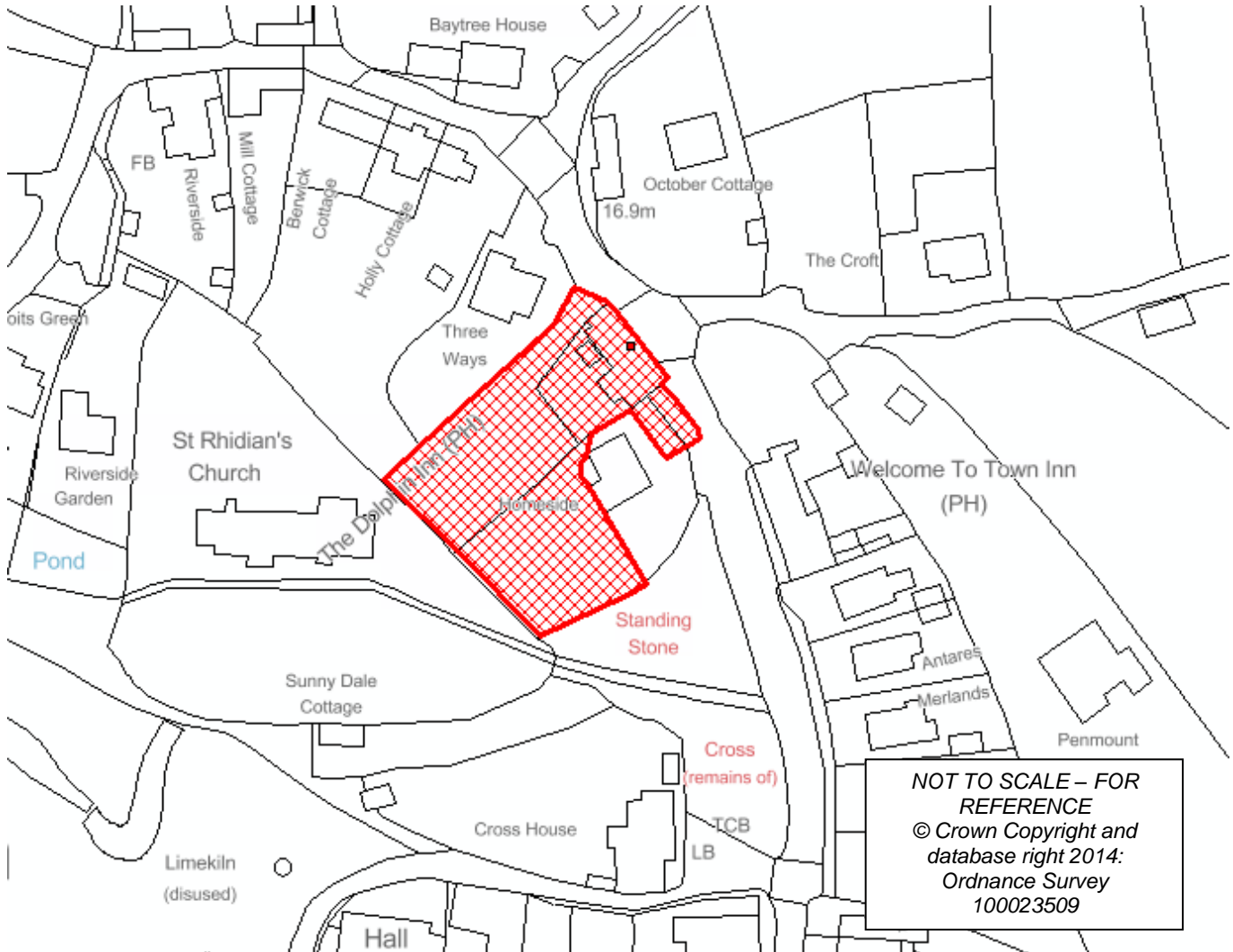
Dolphin Inn, Mill Lane, Llanrhidian, Swansea, SA3 1EH

Proposal:

Two storey rear extension, removal of chimney and addition of six rear rooflights, rear external staircase and minor external alterations to the existing premises to create four serviced bedrooms and provision of two glamping pods to rear of property

Applicant:

Mr John Bladen



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Item 7 (Cont'd)

Application Number:

2021/2011/FUL

Background Information

Policies

LDP - PS1 - Sustainable Places

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

LDP - PS2 - Placemaking and Place Management

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

LDP - ER4 -Gower Area of Outstanding Natural Beauty (AONB)

Gower Area of Outstanding Natural Beauty (AONB) - Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area in accordance with policy criteria. Cumulative impact will also be taken into consideration. Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

LDP - ER8 - Habitats and Species

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

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

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

LDP - T6 - Parking

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

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

LDP - HC1 - Historic and Cultural Environment

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

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LDP - HC2 - Preservation or Enhancement of Buildings and Features

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

LDP - CV1 - Key Villages

Key Villages - 18 Key Villages are considered suitable for accommodating small scale development, including new homes, community facilities and sustainable enterprises. Development at Key Villages must comply with Policy principles.

LDP - TR1 - Tourism, Recreation and Leisure Development

Tourism, Recreation and Leisure Development - Tourism, recreation and leisure development that capitalises upon the County's distinctive assets and help create a year round destination will be supported. Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities or heritage assets, will not be permitted. A Tourism Needs and Development Impact Assessment will be required in support of a planning application.

LDP - TR5 - Holiday Accommodation

Holiday Accommodation - Proposals for new holiday accommodation will be permitted within the defined development limits of existing settlements. Outside settlement limits, holiday accommodation will be permitted where specific criteria are met.

LDP - TR6 - Static Caravan, Touring Caravan and/or Camping Sites within the AONB

New Static Caravan, Touring Caravan and/or Camping Sites within the AONB - Within the AONB no new static caravan sites will be permitted. New touring caravan and/or tented camping sites for 6 or more units, and tented camping and/or up to a maximum of 5 touring caravans on seasonal sites will be supported subject to compliance with specific criteria. Proposals for tented camping and/or up to a maximum of 5 touring caravans on seasonal sites will be supported subject to compliance with specific criteria. New sites for touring caravans and/or camping will be conditioned to restrict the use and occupancy records must be made available.

LDP - T1 - Transport Measures and Infrastructure

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.

LDP - T7 - Public Rights of Way and Recreational Routes

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

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LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

Site History

App Number	Proposal	Status	Decision Date
2021/2011/FUL	Two storey rear extension, removal of chimney and addition of six rear rooflights, rear external staircase and minor external alterations to the existing premises to create four serviced bedrooms and provision of two glamping pods to rear of property	PDE	

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 by means of displaying a Site Notice within the vicinity of the site, and by means of a Press Notice, due to the development not being in accordance with the Development Plan. THREE letters of OBJECTION have been received which are summarised as follows;

- The village already has several properties that are now let as Air b&bs which is causing residents problems with noise and anti-social behaviour. Adding wooden camping huts to accommodate another three households in a field in the middle of the village would significantly exacerbate this problem.
- The proposed site is in a conservation area. It is not in keeping with the character of the area or the village. The image presented in the planning proposal is not to scale, they would be very clearly visible from the street view
- The proposed site is just outside the grounds of an ancient church and graveyard. It is inappropriate and disrespectful - many people in the local community spend time remembering their loved ones there.

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- There is already a lot of noise and disturbance at closing time from the pub across the road, including fights, car horns beeping and glasses being left on the village green and thrown into residents' gardens. My children are woken at closing time at least three nights a week and I have to check my front garden for glass before they can play. I am really worried that this will increase with these new plans
- That the accommodation will be accessed by an external staircase will reduce the control the landlords have over noise and (most importantly) the time of that noise. This is really unfair to the families living around the area
- The infrastructure to support increased traffic is simply not there. Residents already struggle to park when the pub is open and the cars are double-parked up the road. It's so dangerous for children attempting to cross the road.
- The double yellow lines on the road have not been repainted and are not enforceable in law
- Increased custom to the pub will naturally result in increased traffic to the area. This needs to be addressed as part of the application to mitigate the impact on the village. This could include traffic calming or safe pedestrian crossings
- A further potential problem is that with increased traffic we will see an increase in drink driving. I have been told by a customer of the pub opposite that Llanrhidian is known as "5 and drive". The lack of policing coupled with a second access road across the marsh provides drunk drivers with little chance of being caught
- On a positive note, the Dolphin has always been a well-run pub and an important part of the community so I am sure that the owners already have plans to address many of these concerns.
- I want to see a local family business thrive, but not at further cost to my family's safety and quality of life.
- I strongly feel that the village is becoming over commercialised, and is becoming one big wedding venue.
- This development will further erode the character of this quiet rural area and open the doors for even more development of a similar nature.
- The roadway into Llanrhidian Village is already in a poor state of repair with a single track section with a blind bend at the top of the road. The road is already considered locally as dangerous due to the excessive speed of some drivers especially delivery vans and customers of the Welcome to Town public house. There are no speed restrictions or signage in place apart from some worn out slow signs on the road surface. If the proposed development goes ahead it will obviously create significantly more traffic on what is effectively the only way in and out of the village for residents, school children and walkers.
- Llanrhidian is a residential village not a holiday destination. Already there are a significant number of Air B&B properties with high levels of noise and anti-social behaviour. To develop glamping pods would further exacerbate this ongoing problem. It also raises concerns locally that this could be the thin end of the wedge and if granted could see a rush of similar developments, as a precedent would have been set, with much of Llanrhidian and greater Gower heading in a similar direction to Cornwall and Pembrokeshire where second homes and seasonal lets abound to the detriment of local residents.
- Support the Dolphin Inn in being able to reopen and survive as a local business within the community, and to serve the community, as it has done successfully for many years - however objections at this time would be to the proposal to site three glamping pods within the lawn/beer garden area, within the centre of the village; thus removing from use their one large asset which has always been the beer garden. An asset, which would aid any intention of The Dolphin becoming a "community" pub.

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- These modern glamping pods, adjacent to a 12th century Church and The Pillory sited on the Village Green, are especially out of keeping with the area, and if unsupervised, would create noise problems (especially at night) for local residents. It must be noted that their approval could set a precedent for future similar developments within the village scene
- These proposed glamping pods would have a lack of privacy even for the occupiers themselves, as well as for the neighbouring properties. These pods, as well as the proposed large extension with a large picture window looking across into the church/churchyard, will all be able to be seen/viewed from all the surrounding area; i.e. from the highway, from the Village Green, from neighbouring properties, and from all footpaths both within and outside the local Churchyard boundaries. These points raised here could all be considered as the proposals being both inappropriate, insensitive, and not in keeping with the setting.
- Concerned at the intention to site five car parking bays immediately across, and obstructing/blocking, the ancient public footpath leading to the side entrance in the boundary wall of the local 12th Century Church, where the side gate and stile are situated and constantly used. This ancient public right of way on foot has been from time immemorial. It was originally a separate footpath of approx. 3 foot wide, with hedges on both sides and which ran the whole length on the left hand side out to the main village road
- The owners of The Dolphin, in more recent years, later took the nearest hedge to them down in order to expand their car parking area, but the footpath running the whole length of the Car Park has continued to be used as a public right of way to the church/churchyard, and beyond.
- That is why the Dolphin gate at the road end is not a full size gate; in order not to cross the existing footpath. There was originally a stile there too at that end

TWELVE letters of SUPPORT have been received which are summarised as follows;

- I would like to see the community pub idea supported by the council. I fully support the planning application as it seems the only way to keep the historic pub open plus it will provide a much needed community asset.
- This development drops in perfectly with the rejuvenation work being carried out by the Community Council, the Village Garden Project and Llanrhidian Village Hall. Reopening the Dolphin Inn Public House with this ambitious and imaginative scheme will bring back to life a much respected and social meeting place that has been missing since the sad passing of the previous Landlady.
- The name "Inn" (public house for tourist) will have been in use for the Dolphin far longer than human memory dictates. As a meeting place, local display studio for artist, fund raising centre for garden fetes and a book launch for a local writer. All this, and much more is needed and should be encouraged along with a cake, coffee and a chat over a beer.
- The Dolphin has been a public house in the village since at least 1826. It has a rich social history and has always been deeply connected with the local community, its clubs, societies and village life and events.
- The developments proposed are vital if The Dolphin is to generate additional revenue in order to be financially viable and sustainable. In particular, there is a clear need for additional accommodation for visitors to the village and Gower. The development will also bring additional employment and economic benefits to the area.
- The Application has addressed the concerns raised at the pre-application stage about the impact of the developments on the immediate locality and the ecology.

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- The issues raised by some about the lack of car parking in the village will be eased by the reopening of The Dolphin. The concerns raised about visitors to the village parking on double yellow lines is a question of enforcement.
- The location and operation of the proposed camping pods, is obviously a sensitive issue, but it is considered that, on balance, the clear economic and tourism benefits of additional accommodation of this kind in the village, outweigh the concerns about their proximity to the Church.
- The development proposals are essential to the long term vision for The Dolphin as a community pub and should be approved. If it cannot adapt to achieve this, there is a serious risk of permanent closure. The impact of the closure of The Dolphin will be immense for the Village and for Gower, in terms of: the loss of heritage; the negative impact on community well-being; the negative impact on Llanrhidian as a sustainable rural community; and the loss of a vital community hub.
- I have used the Dolphin for years. I am a supporter of the local economy and the economy. We need this pub to reopen and I believe that the owners have the right to ask for planning permission to get the pub up to a reasonable standard. The proposals do not offend and are sensitive to the environment and the situation.
- Great ideas, must do all we can to keep this traditional village institution alive
- I simply do not recognise some of the issues raised by Rebecca Evans MS. A village with scant facilities (no shops or cafes) is miles from being 'over-commercialised'.
- These proposals would enable a fantastic community asset to keep going and continue supporting the social wellbeing and social interests of the local community, as well as providing local jobs. We have lost the North Gower Hotel and the Greyhound in recent years. This area of Gower is not over-blessed with communal social spaces such as the lawn and garden of the Dolphin. The proposals are sensitive and will enable low impact enjoyment of the area, and enhance the village.
- Having been born and brought up in Llanrhidian I wholeheartedly support this planning application The Dolphin has always been an important part of community life and hopefully can be again in the future
- Lovely old pub that needs to reopen ASAP....even with the alterations submitted...need to move on with the times & attract the next generation of customers
- A real part of the community anything to help it reopen and succeed is of benefit to all
- A good use of a closed pub, much need for accommodation in the best part of Gower

Rebecca Evans MS - I have been contacted by constituents expressing opposition to proposals in relation to The Dolphin Inn. Specifically, the plans to;

- Extend the building to accommodate four B&B rooms on the first floor
- Convert the stable block into a café / ice cream parlour
- Develop four camping pods in the beer garden adjacent to the 12th century church and village green. (This latter point undermines their claim to have the best beer garden in Gower as the beer garden would be lost to this development)

Constituents tell me that their concerns with regard to this development are as follows;

- Parking is already at saturation point within the village, a matter which has been subject to discussion at a recent Community Council meeting, including vehicles currently parking illegally on double yellow lines and on the access road to the Church.

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- The proposal, combined with the development and increased popularity of the Welcome Country Pub and Restaurant, has the cumulative effect of over-commercialising what was a quiet rural village and has the potential to detract from the character and appearance of the conservation area and street scene
- The aesthetics of the modern camping pods adjacent to a 12th century church and village green conflicts with the cultural and historical asset and identity of the conservation area at the centre of the village

My constituents would be grateful if these matters could be taken into consideration as the planning process moves forward.

The Gower Society - This application has caused us some difficulty; we want to see one of the last village pubs in Gower given a new lease of life. The question is how to achieve this in such a sensitive setting. We have therefore considered your detailed response to the Pre-app very carefully since there are many factors to be weighed in the balance.

It is unfortunate that there isn't a landscape appraisal with the application; this is the aspect, which concerns us most: the impact on the church and its setting and the significant view from the village green across the marsh. Please excuse us for also reminding you of the Authority's duty of conserving and enhancing the natural beauty of the AONB (S85 CROW Act 2000) which was not mentioned in the Final Pre-App Response.

The pods are the problem; they are going to be discordant, uniform, alien structures in this unspoilt setting within the heart of this small village. The use of the pods is also going to introduce a level of activity akin to camping into the heart of a very quiet village, which is likely to create a new demand, which may lead to more pods. (We can understand the trepidation of neighbours.) In fact, it will set a precedent for such a use in a small village away from existing camp/chalet sites.

There is no mention about lighting, either within the pods or externally. Will it be able to meet the Dark Skies objectives?

The proposal (paras 3.5, 3.6 & 9.5 planning statement) to change the use of the cellar to a coffee shop with access from the bar is unclear. Permission has not been sought in the application, which refers only to bedrooms and pods. There is no mention of a takeaway facility as there was in the pre-application. Whatever the position, we would not object to a coffee shop, provided it, and its access, are internal and there are no sales to customers outside the building or facility for consumption immediately outside the shop or on the grassed area of the standing stone (new doors-stable? - are proposed for the south and north-east elevations). We can envisage people queuing up on the road to buy a coffee through the stable door which opens within the internal counter and consuming outside on the grass. In our opinion it should all be kept inside.

Regarding the works to the pub we have only one reservation, (which is a major one): the large picture window looking onto the churchyard is for a new guest bedroom, which we think singularly inappropriate and insensitive. The style of the bedroom windows/fenestration should be more modest and in keeping with the setting.

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One final point: all the bedroom accommodation is given over to guests, so there will be no management presence on site outside opening hours and the site is therefore not going to be always supervised, despite what the applicants say in the application.

Regrettably, we must therefore object to the application for the reasons stated above.

On a separate note: might consideration be given to some sort of protection, a TPO possibly, for the weeping beech tree in the beer garden alongside the church wall? This is particularly necessary on account of the recent removal of three trees in this very location without prior notice, as required in a conservation area, to the local planning authority for it to consider TPOs.

Llanrhidian Lower Community Council - The Councillors of Llanrhidian Lower Community Council are supportive of The Dolphin remaining as a local business; it has been there for many, many years, providing a service to the community. Having looked at the plans, the Councillors support the idea of this becoming a Community Pub, they are happy to support the proposals for a cafe, continuation as a public house and the building being used for bed and breakfast purposes.

However, the Councillors do not support glamping pods being placed within the pub garden as these are in the centre of the village and could create noise for local residents and a precedent for future development within the village. The Community Councillors also have concerns regarding the limited parking available as there are already parking issues within the village and they have privacy concerns (especially the proposed exterior stairway) for the adjoining property.

The Community Council received two emails of concern regarding this planning application, they have taken these into consideration when making their decision.

Head of Transportation and Engineering - No objection

Ecology Officer - No objection subject to standard conditions and advisory notes.

Placemaking and Strategic Planning Team - No objection subject to standard conditions.

Rights of Way Officer - There are no registered rights of way crossing the development site however there is a footpath to the south Llanrhidian Lower footpath 6 (LL6) running through the churchyard which overlooks the area.

Tree Officer - The application form initially stated there are no trees likely to be affected by the proposals, however, this was considered incorrect, as the willow tree would likely be affected by access, foundations and drainage as well as ongoing safety concerns. An arboricultural report has subsequently been submitted and the pods reduced in number from 3 to 2 thus achieving greater distance from the willow tree. No objection is raised subject to conditions.

Glamorgan Gwent Archaeological Trust - No Objection subject to standard condition requiring a written scheme of historic environment mitigation.

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Amended Proposal

The application proposal has been amended to reduce the number glamping pods from 3 to 2. The application was consequently re-advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 by means of displaying a Site Notice within the vicinity of the site, and by means of a Press Notice, due to the development not being in accordance with the Development Plan. No further responses have been received to date.

APPRAISAL

This planning application relates to the Dolphin Inn, Llanrhidian. The application property is a substantial historic building long established as a Public House situated on the western side of Mill Lane. The application site is situated within the Llanrhidian Conservation Area, adjacent to a Grade II Listed Building within the settlement limits of Llanrhidian and the wider Gower AONB.

Full planning permission is sought for a two storey rear extension to the host building together with the removal of its chimney and addition of six rear rooflights, rear external staircase and minor external alterations in order to create four serviced bedrooms

Two glamping pods are also proposed to the rear of the property.

The proposed works will see the Public House use resume and the building fully refurbished to include an additional element of a coffee shop/café within the southern end of the ground floor and the reconfiguration and refurbishment of the manager/owner/stewards accommodation situated at the northern end of the building.

Policy Context

Development Plan

Future Wales (FW), published by the Welsh Government (WG) on 24th February 2021, contributes the national tier of the Development Plan. FW has policies relating to those matters that government considers are a national priority and matters, which are distinctly spatial and require national leadership.

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.

The following policies are relevant in this instance;

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 4 - Supporting Rural Communities

Policy 5 - Supporting the rural economy

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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The Local Tier of the Development Plan for the area is the Swansea Local Development Plan (Adopted February 2019) within which the following policies are considered relevant to the proposal;

Policy PS 1 Sustainable Places - 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, which requires that development is 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 resisted.

Policy PS 2 Placemaking and Place Management - 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.

Policy ER 4 Gower Area of Outstanding Natural Beauty (AONB) - Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area in accordance with policy criteria. Cumulative impact will also be taken into consideration. Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

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

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

Policy CV 1 Key Villages - 18 Key Villages are considered suitable for accommodating small scale development, including new homes, community facilities and sustainable enterprises. Development at Key Villages must comply with Policy principles.

Policy TR 1 Tourism, Recreation and Leisure Development - Tourism, recreation and leisure development that capitalises upon the County's distinctive assets and help create a year round destination will be supported. Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities or heritage assets, will not be permitted. A Tourism Needs and Development Impact Assessment will be required in support of a planning application.

Policy TR 5 Holiday Accommodation - Proposals for new holiday accommodation will be permitted within the defined development limits of existing settlements. Outside settlement limits, holiday accommodation will be permitted where specific criteria are met.

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Policy TR 6 Static Caravan, Touring Caravan and/or Camping Sites within the AONB - Within the AONB no new static caravan sites will be permitted. New touring caravan and/or tented camping sites for 6 or more units, and tented camping and/or up to a maximum of 5 touring caravans on seasonal sites will be supported subject to compliance with specific criteria. Proposals for tented camping and/or up to a maximum of 5 touring caravans on seasonal sites will be supported subject to compliance with specific criteria. New sites for touring caravans and/or camping will be conditioned to restrict the use and occupancy records must be made available.

Policy T 1 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.

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.

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.

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.

Policy 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.

Policy 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.

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Policy 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. As well as the policies and supporting evidence of the LDP, material considerations include relevant matters set out in national guidance, particularly Planning Policy Wales (PPW) edition 10, as discussed below

National Planning Policy

The following guidance in Planning Policy Wales (PPW) is of 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. It defines placemaking as 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. 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. 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.

Tourism

5.5.2 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. ...In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.

5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.

Light Pollution

Paragraph 6.8.1 of PPW states that there is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to;

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- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

PPW recognises the importance of Dark sky reserves in contributing positively to an area in economic and environmental terms and states that their characteristics should be taken into account when preparing development plan strategies and policies and when considering individual development proposals.

Lighting to provide security can be particularly important in rural areas or for specific purposes such as defence or to create calming environments. Where this is the case, planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans.

Para 6.8.4 of PPW states that planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, environment seek to preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous. It is important that the planning system looks to protect, conserve and enhance the significance of historic assets and there should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral impact upon the conservation area.

Biodiversity and Ecological Networks

Biodiversity and Resilience of Ecosystems (S6 Duty) (paras 6.4.1 to 6.4.8) - 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 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.

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Integrating Green Infrastructure and Development

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

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

Supplementary Planning Guidance (SPG)

SPG relevant to the proposed development, are as follows;

- Placemaking Guide for Gower AONB (Adopted October 2021)
- Lighting Scheme Guidance for Gower Area of Outstanding Natural Beauty (Adopted 2010).
- Development and Biodiversity (Adopted February 2021)

Planning Considerations

Main Issues

The main issues for consideration in this instance relate to the principle of the siting of the 2 glamping pods at this location, together with the impact of the various works to the Public House, upon the visual amenity of the area and surrounding Heritage Assets, the impact of the proposal upon the residential amenities of neighbouring occupiers, along with parking and highway safety impacts and impact upon ecological interests.

The proposal seeks a two storey rear extension, removal of chimney and addition of six rear rooflights, rear external staircase and minor external alterations to the existing building to create four serviced bedrooms. The two glamping pods are proposed to the rear of the building.

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The historic public house element will be retained at ground floor and will incorporate a coffee shop, while the owner/managers accommodation (historically occupying the entire upper floor and extreme northern end of the ground floor) will be modified to include a 1 bed self-contained unit over two floors, still at the northern end of the building.

The proposal also seeks alterations to the external materials, including taking the external walls of the stable and private dwelling back to the original stonework and the installation of conservation style rooflights to the rear roofslope. The proposal seeks to safeguard the existing public house use through the provision of additional ancillary holiday accommodation.

Fundamentally, the retention of the small scale business within a key village is supported subject to the proposal meeting the relevant criteria set out in LDP policies. As the site is located within the defined settlement limits of the key village of Llanrhidian and is within the Gower AONB, the proposal must accord with LDP Policies ER 4: Gower Area of Outstanding Natural Beauty (AONB) and CV 1: Key Villages.

Policy ER 4 requires that development within the AONB must have regard to the purposes of the designation to conserve and enhance the natural beauty of the area. The submission must demonstrate how the proposal accords with this policy, particularly how the proposal is a scale, form, design, density and intensity of use that is compatible with the character of the AONB and contributes to the conservation and enhancement of the natural beauty of the AONB. The cumulative impact of development must be taken into account. Policy ER 4 (paragraph 2.9.28) states that management of the AONB is co-ordinated through the Gower Management Plan.

Policy CV1 states that key villages are considered suitable for accommodating appropriate small scale development, including new homes, community facilities and sustainable enterprises, subject to a number of criteria. CV1 (ii) states that development must sympathetically integrate within the surrounding natural and built environment, taking into account the unique rural character of the village and quality of the surrounding landscape and seascape and (v) would not result in the loss of natural heritage or valuable Green Infrastructure or otherwise harm heritage assets. Paragraph 2.10.8 emphasises that local employment opportunities within rural settlements are essential to sustain and improve communities and have a vital role in promoting healthy economic activity. The proposal therefore accords with Policy CV1, which seeks to allow the development of small-scale enterprises within the key villages.

The proposal seeks to ensure the retention of an existing and established public house, by providing ancillary holiday accommodation. This is in accordance with SI 2 of the LDP which seeks to safeguard community facilities and locally important uses and TR 1: Tourism, Recreation and Leisure Development which seeks to support proposals for sustainable tourism and recreation where they seek to conserve and enhance the County's natural heritage and reinforce vibrant rural communities.

Policy TR 1 (plus TR5 and TR6) requires that a Tourism Needs and Development Impact Assessment (TNDIA) is submitted in support of this type of planning application, setting out the reasons and justification why the development is required, demonstrating the economic sustainability and long-term longevity of the venture, the number of jobs that will be retained/created, the impact on local community in terms of car parking, noise etc.

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A TNDIA has been submitted in support of the application and will be discussed in detail later in the report.

With regard to the proposed serviced/bed and breakfast accommodation, Policy TR5 supports new holiday accommodation within the permitted development limits of existing settlements. TR5 clarifies that individual units will be controlled to ensure they will not be available for private purchase, but maintained as short term holiday lets. The site is located very close to the Wales Coastal Path and developments in association with that are welcomed, as walking is a key tourism activity in the County.

Policy TR5 does not apply to the proposed glamping pods (as confirmed in para 2.11.27 of the LDP). Glamping pods are not operational development, however due to their construction they tend to remain on site all year round. For this reason the LDP makes clear that such pods will be considered as static caravans under Policy TR6 (as set out in para 2.11.37 and the LDP glossary). This approach ensures that appropriate planning controls are exerted over non-operational development of this nature, which are often proposed within sensitive locations.

Policy TR6 does not permit new static caravans anywhere within the AONB, and therefore the glamping pod element of the proposal does not accord with this policy. Notwithstanding this technical departure from the LDP policy, in this case, the site is within a designated village boundary surrounded by mixed use development and is not a prominent coastal site.

On this basis, the submission is accompanied by a Landscape Visual Impact Assessment (as part of the Tourism Needs Development Impact Assessment) investigating the specific impacts of the pods upon the landscape characteristics of the area, and the general visual impacts of the proposal which are addressed as follows:

Landscape Visual Impact Assessment (LVIA)

A number of photographs are provided from various surrounding vantage points within the village, which demonstrate that owing to the limited number, small scale and their very low lying nature, the pods will have a neutral impact on the wider landscape as they are contained within the village envelope. The existing built form offers significant screening combined with the boundary wall and a dense native hedge to the north help mitigate any harmful visual impact.

It must also be recognised that the application site falls within defined settlement limits as opposed to a more landscape sensitive open countryside location

The results of the LVIA have been balanced against the tourism benefit and potential to help sustain an existing important community facility, which cumulatively is considered to offer a means to justify a departure from the general presumption against pods within the Gower AONB.

As detailed above Policies TR1, TR5 and TR6 require the submission of a Tourism Needs Development Impact Assessment, which is detailed as follows:

Tourism Needs Development Impact Assessment (TNDIA)

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The application is supported by the requisite TNDIA, which is re-produced as follows:

Policies TR1 and H 5 of the Swansea LDP require applications such as this to be accompanied by a Tourism Needs and Development Impact Assessment. The amplification of Policy TR1 states a TNDIA should include:

- *Evidence why this development is needed.*
- *Evidence to show the business is viable.*
- *Impact on the local community.*
- *Evidence of vacancy rates in the locality.*
- *Demand. o Vehicular Traffic.*
- *Demonstration that the development is of a high quality.*
- *Landscape Visual Impact Assessment.*

Taking each of the above into consideration, I would comment as follows:

Evidence of why this development is needed: The newly adopted Swansea LDP acknowledges the importance tourism development can have on an area as it has the potential to deliver significant economic and cultural benefits, including facilitating regeneration of the Swansea Central Area, and enhancing the rural economy. Furthermore, it is felt that a buoyant rural economy is needed to support the overall growth of the County, and to help sustain community life.

The LDP and Gower AONB Management Plan (Appendix B) both acknowledge that there is an over provision of static caravan sites on Gower and an under provision of high quality tourist accommodation and the approval of this application will help address a need and reduce the need for general housing stock to be used for tourism purposes.

A quick internet search will quickly establish that there is very limited purpose built tourism holiday lets in this area and a high provision of residential houses available on Air BnB. The approval of this application would complement the area and help provide additional high quality tourism accommodation at this existing tourist destination in a sustainable location. The approval of this application would provide 4 serviced bedrooms within the public house and 3 high quality glamping pods which would reduce the need to advertise residential properties for rental for holiday purposes. The increase in the number of weddings has significantly increased demand for overnight accommodation and reduced the available tourist accommodation for holiday makers on Gower.

Furthermore, Welsh Government Guidance in wake of COVID 19 seeks to encourage the growth of tourism accommodation in Wales in order to help kick start the economy and take advantage of staycations in the UK which are likely to be very popular over the coming years.

The principle of what the applicant is trying to achieve is to try and re-establish a viable business which is something which should be supported in principle.

EXTRACT FROM THE CITY AND COUNTY OF SWANSEA WEB-SITE TOURISM RESEARCH STATISTICS—<https://www.swansea.gov.uk/article/6406/Tourism-research-and-statistics>

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Throughout the year we conduct various surveys in order to find out more about our visitors and how we can make improvements to our destination

2017 STEAM research summary

- *Expenditure: £417.85 million (+ 1.7% on 2016)*
- *4.64 million visitors to the area (+ 1% on 2016)*
- *Number of jobs supported: 5,704 (+ 0.5% on 2016)*

The Council use STEAM (Scarborough Tourism Economic Activity Model) to monitor the scale of tourism and trends in Swansea Bay.

The Wales Tourist Industry has seen a significant increase in the number of tourists over the past 5 years and the demand for high quality serviced and rented self catered accommodation has increased exponentially. A number of factors have combined to increase the popularity of holidays in South West Wales, these include:

- *2008 credit crunch.*
- *Far greater global exposure for the Welsh tourist industry via national press and the internet.*
- *Swansea being in the Premier League has resulted in greater national exposure of the area.*
- *The rising price of the Euro, Brexit and COVID 19 has increased holiday costs abroad but vice versa has made the UK a desirable tourist destination.*
- *Increased popularity in staycation holidays in the UK and demand has increased exponentially since COVID 19.*

A combination of the aforementioned has resulted in a significant increase in the demand for high quality tourism accommodation from both national and international customers. Welsh Government statistics envisage that 55% of all UK residents are planning a holiday in the UK this year which will push demand for accommodation even higher.

A closer look at the city and County of Swansea's Tourism portfolio states that there are in excess of 2,554 static vans within the County however on closer inspection only one of these sites (10 caravans) are available for rental purposes with the remaining all privately owned.

The tourism market for Wales and Swansea is definitely shifting with more demand for high quality rental accommodation and this proposal is seen as an opportunity to potentially help provide these alternative means of accommodation to try and meet the unmet need for such types of accommodation in the northern area of the County. The future of tourism in Swansea will be the short stay high quality rented self-catering sector.

Due to changing trends and requirements for high quality self catered accommodation and facilities there is definitely a falling need for historic tented accommodation which is also partially due to the inclement weather in Wales and the rise for developments such as what we are proposing will definitely increase.

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There were 9.3 million overnight tourist trips to Wales by GB residents in 2016. Tourists and visitors spend more than £17 million a day in Wales, amounting to £6.3 billion a year (Aug 2018, Visit Wales) and this is set to rise exponentially with the rise of staycations holidays in the UK due to COVID 19.

Brexit and COVID 19 in particular presents challenges for our tourism industry both for growth in business and employment, the Welsh Government and Industry need to be proactive if any emerging opportunities are to be seized. We are all aware that the business environment will be very tough, however if Sterling weakens further in 2021/22 and COVID 19 prevents holidays abroad, the so-called number of 'Staycations' in Swansea and Gower will increase exponentially.

The Council's own Tourism Department is actively encouraging investment in order to grow and expand holiday accommodation on in the northern part of the County. Both the Tourism Research Statistics— <https://www.swansea.gov.uk/article/6406/Tourism-research-andstatistics> and 2015 Visitor Survey Presentation (Appendix C) clearly indicate that the level of tourism particularly on Gower has grown by 8% in 3 years between 2012 and 2015.

Furthermore the Council produced 'Destination Swansea Bay, Mumbles and Gower 2017- 2020' (Appendix D) supports the statements made in the TNDIA. Pages 3 and 4 clearly show that whilst the number of visitors has increased significantly over the past few years, Swansea is still behind both the Welsh and National average in terms of jobs, value to the economy which would suggest there is significant opportunity for growth in Swansea's tourism sector. In addition to that, the evidence suggests that the majority of visitors do not stay the night which is losing significant money to the wider economy in terms of net additional spend.

The Wales Tourism Performance Report Jan to December 2018 (Appendix E) indicates Wales saw a significant increase in Tourism numbers, however there was a 12% drop in the number of international visitors who tend to spend significantly more money in the local economy. Furthermore, Swansea has seen the closure of a number of hotels within the County over the past 20 including The North Gower Hotel, The Osbourne Hotel, Langland Court Hotel, Caswell Bay Hotel to name but a few. The closure of these tourist destinations has placed Swansea at a disadvantage in terms of maximising the benefits of the growth in staycation holidays in the UK over the past 5 years.

Whilst the Swansea has a high number of good quality static caravan sites, it is a fact that the majority of the 2,554 static vans are privately owned and are not available for rent by tourists. This can be verified by calling the relevant campsites or checking on their websites. This is also acknowledged on page 53 paragraph 3.30 in the Council's own Gower AONB Management Plan (Appendix B). This situation is preventing people from visiting Swansea from further afield and could be one of the reasons why Swansea has a very low number of international visitors.

The tourism market for Swansea is definitely shifting with more demand for high quality rental accommodation and this proposal is seen as an opportunity to potentially help provide these alternative means of accommodation to try and meet the unmet need for such types of accommodation within the County. The future of tourism in Swansea will be the short stay high quality rented self-catering sector and this is supported by both National and Local Tourism research.

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Our informal discussions with Visit Wales and Swansea Tourism Department suggest there is significant demand for good quality tourist accommodation and they have both actively encouraged the submission of this application to help grow the tourism industry in the northern part of the Gower.

Viability

The proposal is for 4 high quality serviced bedrooms and 3 glamping pods within the curtilage of the former public house. The work will primarily be undertaken by local tradesmen and on the basis of our own research and discussions with the local tourism board, local nearby wedding venues and other local operators that there is significant demand for short stay tourism accommodation such as this.

On average holiday accommodation in rural areas of Gower such as this rent between £550-£1000 per week. National occupancy levels suggest self catering accommodation in Swansea are operating at around 55% occupancy which if we took an average of £700 per week would generate an income in the region of £140,140 per calendar year which would clearly be a viable proposition. Given the popularity of tourism on Gower with the growth of outdoor cycling, mountain biking, walking along the adjacent coastal path and traditional beach holidays we are very confident we will occupy the proposed unit in excess of 80% of the time. This supplementary accommodation will also enable the former pub to re-open as it would enable it to generate sufficient income to provide a viable business.

The lack of accommodation and demand for holiday accommodation in general is very high and this has exponentially increased since COVID 19 has given us the confidence to submit this proposal.

Impact on the Local Community

The last 4 years have seen record breaking years for Wales's tourism industry with domestic staying visitors to Wales peaking at over 10 million trips in 2014 - with spend up 9% over the last two years; and trips from international visitors increasing by 9% since 2012 and spend up 6%. There are strong growth prospects for tourism in Wales and having weathered the recession, we are ahead of our strategic growth target which aims to grow tourism earnings in real terms by 10% or more by 2020.

Tourism is also a key source of export earnings with over £2.1 billion generated from staying visitors to Wales in 2014. Figures for Wales continue to show growth in the volume of trips, nights and expenditure in Wales during the first six months of this year, compared to the same period last year. This is all encouraging news for Wales's economy as a whole; with the Deloitte/Oxford Economics 2013 study Tourism and growth - The economic contribution of the tourism economy in the UK indicating Tourism's total overall contribution to the Welsh economy at £8.7 billion.

This contribution supports in total around 242,000 jobs - both direct and wider impact jobs generated through greater demand on related supply chains, local services and businesses. Since 2005 tourism has seen high growth in employment in Wales, outperforming all priority sectors in Wales with half of all 16 to 24 year olds employed in the priority sectors in Wales now employed in tourism.

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Tourism also provides the highest proportion of employment for women in these priority sectors. Tourism is an industry that benefits all parts of Wales and is the main employer in many areas. Among the Welsh Government priority sectors, Tourism is the second largest employer behind Energy & Environment. The latest results from the Great Britain Tourism Survey for January to June of this year show expenditure on visits to Wales has risen by 25%, compared with 15% for Great Britain as a whole.

The volume of nights spent in Wales increased by 17% as people choose to stay longer, with the average length of stay up to 3.38 nights compared to 3.06 in the same period in 2014. Related average spend per night rose to £56 compared to £53 in the first half of 2014. Overseas visitor figures for the first quarter of 2015 show that Wales welcomed 137,000 overseas visitors, 5.4% up on the first quarter of 2014.

The units would provide a multitude of functions:

- 1. Overspill accommodation for visitors to the Gower for nearby weddings.*
- 2. Traditional holiday accommodation for visitors to Swansea which is currently seriously under provided for on Gower.*
- 3. Accommodation for guests using the Wales Coastal Path.*

The Welsh Government's investment in tourism product development has helped to generate jobs. Through the Tourism Investment Support Scheme (TISS) some 311 jobs were created / safeguarded in 2014/2015, inducing investment totalling some £13.9m. In 2015/2016 to date TISS has supported some 216 jobs with investment induced totalling £7.6m to date. In 2014-15, total additional expenditure generated by our tourism marketing activities was £238 million, supporting over 5,400 jobs. A further 1,400 jobs were supported by our investment in Major Events, Travel Trade and Cruise-related activity. The Environment from Growth programme has now been completed. The six year, £37 million EU funded programme has successfully developed eight iconic tourism centres of excellence across Wales which offer a range of new products and opportunities for visitors and local people to enjoy and take part in activities within Wales' natural environment and coast.

The eight centres of excellence have also created 130 jobs and generated over 2 million visits. This has increased tourism's contribution to the wider Welsh economy and gives testament to Wales' growing and differing world-class products reflecting all the investment, hard work and dedication of the people working in the tourism sector.

The approval of this application will give additional employment opportunities for people within the locality when the business is operational through job creation and the impact attracting tourists will have on the local economy. The proposal will clearly result in employment during construction, additional employment for the existing tourist enterprise in terms of managing the units and cleaning the premises and significant net additional spend in the local economy from the guests staying at the new holiday units.

A quick search on the internet clearly demonstrates that there is a very limited number of holiday accommodation in this northern part of the County. This would suggest there is a lack of accommodation for tourists.

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The approval of this application for purpose built tourist accommodation would help reduce the pressure for residential properties to be used for holiday purposes and keep them retained for families which would help reduce the pressure on housing demand in the area.

Evidence of vacancy rates in the locality

There is significant under provision of good quality holiday accommodation in the area. Swansea and Gower in particular has very limited holiday accommodation with lots of residential properties used by second home owners as holiday accommodation. Purpose built tourism accommodation such as this will help relieve the pressure on residential properties being used for holiday accommodation. There is very limited high quality accommodation to compare with in the area and the vacancy rates in the Swansea area on average are generally very low. The majority of static caravan sites on Gower are privately owned with very limited rental availability which places significant pressure on holiday let accommodation such as what is proposed.

Furthermore, the Gower has seen numerous hotels close over the years which has significantly affected the supply of good quality accommodation on Gower. This has resulted in detrimental impact on the economy of the area and a failure to create employment opportunities for local residents.

Demand

As stated above, this part of Swansea has very limited high quality holiday accommodation. There is significant demand in Swansea for high quality holiday accommodation, and our research seems to suggest the location of the development within close proximity to a number of tourist attractions on the Gower AONB and multiple footpaths and scenic routes will help meet demand for traditional holiday makers and the wider Swansea area which is in close proximity. Brexit and COVID 19 has increased the demand of staycations in Wales exponentially and this holiday accommodation will help meet this unmet need and help the Welsh economy take advantage of this.

Vehicular Traffic

The proposal is relatively minor and will be unlikely to generate significant parking demand. The proposal will result in 4 serviced rooms and 3 glamping pods and it is envisaged each unit would generate a demand of one car per unit which would result in 8 vehicles at any given time.

The current car park is laid out in an informal manner and the proposal will regularise a formal parking layout which would have a positive impact on vehicular traffic.

Demonstration that the development is of a high quality

The development will introduce a high quality timber buildings with attractive decking. The scheme incorporates a design which will complement the character and appearance of the area.

In terms of the work to the existing pub, the property will be refurbished and extended to a high quality and will seek to re-introduce traditional features where possible.

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In summary, the TNDIA is considered comprehensive, references sound reliable sources and is commensurate to the scale of the proposal and is therefore acceptable.

Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate.

FW Policy 2 sets out that;

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives,
- Opportunities should be taken to ensure that multifunctional Green Infrastructure (GI) is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that;

- All proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- Development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

Having regard to the above requirements, and the special character of the area, the following sets out the considerations in relation to placemaking and heritage matters:

The site lies within the Llanrhidian Conservation Area. As set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 a Conservation Area is defined as an area of 'special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 72 of the Act specifies that in making a decision on an application for development in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

Located immediately to the rear of the site is the grade II* listed St. Rhidian and St Illtyd Church. The church grounds are bounded by a rubble limestone churchyard wall which bounds the existing beer garden and pub car park. As such the proposals must be assessed against LDP Policies HC 1 and HC2.

Given the application site's location within the AONB, the adopted Placemaking Guidance for the Gower AONB applies. Specifically relevant in the assessment of this proposal is Module C: Commercial and Tourism of the Design Guide which highlights that proposals must be limited to a scale that is appropriate to their location and should not have an adverse impact.

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The proposal includes external alterations that would replace the existing rear catslide roof with a two storey rear projecting gable extension. The extension is set down from the ridgeline and will not be visible from the streetscene, and hereby preserves the character and appearance of the conservation area. Large-scale drawings of the extension and windows will be required; this matter can however be controlled by means of a planning condition. The replacement of the existing cellar doors with semi-glazed doors to serve the new cafe area is acceptable and once again, full details can be controlled via condition. The proposal also includes proposed changes to the external walls of the stables and private dwelling to reveal the original stonework and lime wash, and this aspect is welcomed and is considered to enhance the host building and wider conservation area. A Method Statement for the works will however be conditioned.

The chimney to be removed is part of the subservient side element of the building. It is not a substantial chimney and is not a prominent feature within the conservation area and as such, there are no objections to this being removed.

The proposed addition of 6 rooflights to the rear roofslope is acceptable, subject to a condition ensuring that the rooflights are conservation style and sit flush with the roofslope.

In terms of the proposed 2 glamping pods and associated decking, these are small scale structures measuring 5m x 3m, with a maximum height of 3m. They are shown to be located discretely, adjacent to the rear boundary of the site. The existing pub building obscures any views of these structures from the main streetscene to the east.

A Heritage Impact Statement (HIA) has been submitted in support of the application to fully assess the impact on the setting of the Grade II* listed Church. The HIA follows the requirements as set out in Cadw's 'Heritage Impact Assessment in Wales' document and it is considered that the information and justification contained within the document presents an acceptable level of detail proportionate to the application. It is acknowledged that the glamping pods will be visible, albeit partially screened from within the Church graveyard and within obscured views of the Church and associated grounds from higher vantage points, for example from the Church Green to the south of the site.

It is acknowledged that the pods are shown to be located in a part of the grassed area relative to the Church setting. The submitted HIA provides an assessment of the potential direct and indirect visual impact of the proposed development on heritage assets, particularly Llanrhidian Church, from the proposed erection of two (2) glamping pods in the garden area attached to the Dolphin Inn.

The inclusion of 2 glamping pods in the beer garden area will undoubtedly introduce a new component into the area, and the glamping pods are acknowledged as being visible from the Cross and Standing Stone areas alongside the public road. However, the view of the glamping pods will be partly screened by the low stone wall to be supplemented by hedgerow that separates the green (the Cross) from the pub's garden and by a mature tree in the garden area. Additionally the architecture and low impact of the pods, each having a sloping curved roof, constructed from spruce with terracotta bitumen roof shingles, the available view of each pod should, (from views from the east) not be significant and would appear to be similar to garden sheds.

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It is important that the Local Planning Authority is able to make a full assessment of the reasons for the proposed pods being located as shown, and to consider what is the optimal location having regard to all planning considerations. It was therefore important that the submitted Heritage Impact Assessment (HIA) should address potential alternative locations.

The submitted HIA addresses this issue as follows:

As part of the design process alternative locations within the garden area for the camping pods had been considered. However, given the limited space available within the garden area, approximately 640 square metres, the positioning options for the glamping pods was very limited in scope.

The footprint for each pod will occupy approximately 17.7 square metres. Around and between the footprint of each glamping pod an area for movement will also be required.

The submitted HIA explains that the position of the glamping pods was carefully considered so as to have as little impact as possible on both the Church and cemetery and the essential views from 'The Cross' in the Conservation Area, whilst also considering the easiest access to available amenities and disturbance from noise to neighbouring properties.

The Submitted HIA sets out the reasons for Glamping Pods facing north-east toward the Dolphin Inn as follows:

- *So as to avoid views of the cemetery boundary wall.*
- *So as to be looking toward amenities, the Dolphin Inn and the village itself.*
- *So as to achieve as great a distance as possible from the boundary with "Homeside" a neighbouring residential property.*
- *Due to the topography of that part of the site.*
- *In order to minimise negative impacts upon their amenities.*
- *So as to offer shielding from elements provided by the adjacent stone boundary wall.*
- *So as to offer visibility screening from the Church, provided by the adjacent stone boundary wall.*
- *Moving the glamping pods away from the boundary wall further toward the centre of the garden area may actually enhance their visibility and make them more prominent.*
- *So as to move the pods further away from the nearby neighbouring property which mitigates any noise and disturbance on the residential amenities of the property.*
- *So as to reduce the effect on the setting of the Conservation Area. If the glamping pods were to be positioned with their entrances facing NW or even SE or SW, then the pods would be more visible from the Conservation Area when looking toward the proposed development area from the Cross.*

Taking into account the various constraints relating to the positioning of the glamping pods (as explained above), their proposed position against the boundary wall of the Church cemetery is accepted as the most acceptable position, that balances the impact on the setting of both the Church and the conservation area with the relationship to surrounding neighbouring properties and amenity concerns.

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In order to mitigate against any potential adverse impacts on both the setting of the designated Church and the Conservation Area, the scheme will be supplemented with additional screening by planting native hedgerow along the boundary with the Church cemetery. Details of this have been provided and show that sufficient distance is achieved between the hedge and the pods such that the ground works are unaffected and demonstrates the level of screening that the hedge will afford.

The impact of the pods on buried medieval remains associated with the church is acknowledged and given the potential to disturb burials in the current location Glamorgan Gwent Archaeological Trust have been consulted and raise no objection to the proposal, albeit a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archeological work to protect the archaeological resource is recommended.

The impact of the pods positioned either side of the existing willow tree is recognized. It is recognizing that each of the pods will be fitted with decking and likely entail penetrative groundwork, especially when laying or securing the decking, as well as potential service trenches, given that each pod will have a sink and shower facilities. An Arboricultural Impact Assessment was therefore requested in support of the application. The submitted Arboricultural Report concludes that the proposal would have no long term adverse arboricultural impacts subject to the recommendations within the Method Statement of the report (which include root protection areas) being followed. The Council's Tree Officer has been consulted and raises no objection subject to a landscaping condition including replacement tree planting and an appropriately worded condition requiring details of the positions of the services to the pods to be submitted and agreed prior to commencement of works on site.

Residential Amenity

The application property although currently closed, is nevertheless a long established public house and its close relationship and juxtaposition with the neighbouring dwelling 'Homeside' is historic. To this end, and having regard to the fall-back position which in this instance is that the Public House could legitimately re-open at any time without the need for planning permission, or any further control from the Local Planning Authority, the impact of the proposal upon the amenity of neighbouring residents must be carefully balanced against the authorised and permitted use of the building and its associated outside space. It is only the operational development and camping pods that require permission in this instance not the resumption of the use of the Public House.

The proposed two storey extension is considered the most substantial element of the physical works and is positioned centrally off the rear elevation of the building. It achieves a sufficient separation distance from the immediate neighbouring dwelling and other surrounding properties and as such it is not considered to result in excessive physical overbearance. An external staircase leading to a 1st floor entrance door affording separate access to the B&B rooms is proposed, and whilst this will introduce a new means of access to the building, the comings and goings associated with these rooms is not considered substantially greater than that which is already established at the Public House. In addition, users of this access point would be limited to the 4 proposed serviced accommodation rooms only.

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It is acknowledged that the glamping pods introduce an additional element; however, it must be further acknowledged that the pods will be positioned within the authorised curtilage of the Public House where outdoor activity associated with the Public House is authorised. The pods will be positioned on the grassed area to the rear of the premises; an area already used as a beer garden and children's play area. It is not considered that the level of noise and disturbance generated by 2, one-bedroom pods (maximum 4 people when fully occupied) is likely to amount to any significant demonstrable increase over and above what is already permissible at the premises. The pods have been positioned adjacent to the western site boundary so as to achieve the greatest separation possible from the neighbouring dwelling. It is noteworthy that the beer garden and play area will also be retained (elements outside of the control of this application) and cumulatively have the potential to generate inordinately more disturbance than the use of the pods.

Should issues of noise and disturbance arise (as with the activity within the Public house itself) sufficient protection is afforded under the Environmental Protection Act 1990 to protect residential amenity.

The neighbouring property 'Three Ways' to the north-west lies adjacent to the main vehicle access to the site, and although the proposal seeks to formalize the parking layout, the impact upon this neighbouring property by virtue of vehicular activity remains unchanged.

Highway Safety

The Dolphin Inn although currently closed, is an established public house served by a large car park to the rear, accessed from the main highway. There were concerns at pre-application stage that the main entrance for the proposed coffee shop was from the south-east and from a narrow highway with no pedestrian provision. It was noted that one of the main entrances to the premises lies along this frontage, the other being from the rear car park, and that there is some unrestricted car parking along Mill Lane, so the pattern of entry along this frontage to the premises is established. Despite concerns that pedestrians would be walking along a narrow highway with no pedestrian provision, this point of entry for the public house is historical and established.

In contrast, the coffee shop entrance would have been a new access point and would lead to an intensification of pedestrian movement along the highway where there is no safe passage given that customers would be more likely to park on the highway, encouraged by the entrance being within view, and walk to the facility rather than park in the rear car park. Furthermore, on egress, customers would be walking blind out onto the highway. As a result, a principal entrance to the coffee shop from the highway was not supported. Proposed floor plans indicated that there was an internal link between the main premises and the coffee shop and due to concerns over pedestrian safety, it was advised that this element should be accessed and serviced from the rear of the premises with safe parking and access via the main car park.

The current submission has removed the entrance to the coffee shop from the highway and this element is now accessible from the rear car park. New doors will replace the existing fire doors but it is stated that the glazed element will be to allow light in. As detailed above, the precise detail of these doors will be controlled further via condition and it will be necessary to ensure that they are either non-opening or inward opening with fixed balustrade. Providing these doors are not to be used in connection with customer ingress/egress, this is acceptable.

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Submitted details indicate a more formal layout to the car park than that which previously existed. It is envisaged that the coffee shop would be busier during the day and the public bar busier during the evenings, when the coffee shop element would be closed with both attracting local customers as well as visitors to the area. It is likely that not all of the serviced rooms and camping pods would be fully booked other than at peak holiday season and that even if they were, people staying at the premises would be unlikely to be parked in the car park all day, leaving spaces free for casual visitors. Turning is possible within the car park and therefore on balance, the Head of Transportation and Engineering raises no highway objections to the proposal.

Ecological Impact and Biodiversity Enhancement

Policy ER8 (Habitats and Species) of the LDP seeks to minimise the impact of development proposals on ecological interests, including protected species.

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on the importance of development integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment(Wales)Act 2016 ('the S6 duty').

FW Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development provides:

- Guidance on how the requirement for biodiversity can be addressed and assessed.
- details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

In this instance a Bat Survey has been submitted as part of the application, indicating that no bats are present within the building itself. The survey indicates that bat activity is confined to the adjacent churchyard, but does not state if increased external lighting may impact upon any night foraging. Bat and bird boxes are however incorporated into the development as enhancement measures.

The Council's Ecologist has assessed the submitted report produced by Celtic Ecology and Conservation Ltd. Dated August 2021 and is satisfied with the findings and recommendations therein. No objection is raised subject to standard conditions and advisory notes.

The Council has recently applied for Dark Skies Community designation for the Gower AONB, in order to improve the tranquillity of the AONB, as proposed within the Gower Management Plan. To this end, an appropriately worded condition is recommended to control any external lighting, which will also minimise any detrimental ecological impact.

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Rights of Way

There are no registered rights of way crossing the development site, however there is a footpath to the south Llanrhidian Lower footpath 6 (LL6) running through the churchyard which overlooks the area. This is not affected by the proposals.

Correspondence received

The objection letters received refer principally to issues of principle, visual impact and impact upon heritage assets, which are all addressed in detail above. Issues of residential amenity and highway safety standards are also addressed in detail above.

The letters of support are also acknowledged.

Summary

The proposal is considered to represent visually attractive, high quality sustainable tourism accommodation and the current submission has addressed many of the points raised within the pre-application response. The scheme will offer additional holiday accommodation in north Gower, as well as helping to maintain a public house and introduce a further community facility via the proposed coffee shop.

The pod element of the proposal is not strictly in accordance with LDP Policy TR6, but given the circumstances set out above, and the positive contribution they will make to the overall scheme, they are considered a suitable departure to the development plan policy in this specific case.

The heritage analysis concludes that the frontage of the public house would be preserved, and the other minor alterations proposed would be sympathetic to the host building and wider conservation area. Sufficient information has been provided offering commentary on the selection of the chosen position for the glamping pods which when balanced with other material planning considerations such as residential amenity, is considered acceptable and justified.

Conclusion

In conclusion, it is considered that the proposed external changes to the Public House together the Coffee Shop and Bed and Breakfast provision, along with the siting and use of two camping pods will make a valuable contribution to the economy of the area and complement the existing tourist use by adding to the facilities on offer. Furthermore the minimal size, scale and number of pods is such that they do not prove prominent when viewed from wider vantage points, and do not impact so significantly upon heritage assets to warrant their refusal.

In addition to this, the proposal is not considered to have an unacceptable impact upon highway safety and the residential amenities of the neighbouring residents. Additionally, ecological interests are safeguarded, as are existing trees on site. Therefore, the proposal is considered to comply with Policies PS2, CV2, ER2, ER4, ER9, TR1, TR5, TR6, HC1 and HC2 of the Swansea LDP.

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

11.20.TD.D5 Rev A - Camping Pod Floor Plan and Elevations, received 28th July 2021.
11.20.TD.D3 Rev F - Existing and Proposed Elevations, received 3rd August 2021.
11.20.TD.D2 Rev G - Proposed Floor Plans, received 5th August 2021. 11.20.TD.D4 Rev E - Site Location and Block Plans and 11.20.TD.D7 Rev C - Proposed Part Site Layout and Site Section Elevation, received 21st March 2022.

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

3 The glamping pods hereby approved shall be used for holiday accommodation only and shall not be occupied by any person or persons for more than 28 consecutive days or for more than 65 days in any calendar year.

The site operator shall maintain an occupancy register of all occupiers of the camping pods, which shall be made available to the Local Planning Authority for inspection upon request.

Reason: In order to ensure that the accommodation is occupied solely for holiday accommodation only and not for any other residential purposes.

4 Large scale drawn details of;

- Details of the interface of the proposed extension and existing walls and roof of the building;
- Treatment of reveals, cill and heads to windows;
- Details of the new cellar door frame sections in the opening; and
- Interface of the new cellar doors to the existing stone wall

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shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development works hereby approved.

The development shall thereafter be completed in accordance with the approved scheme unless agreed in writing by the Local Planning Authority.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 5 No development shall commence, including any works of demolition, until a Method Statement relating to the external alterations and repairs to the building (that specifically involve the exposure of the original stonework and use of lime washed render) has been submitted to and approved in writing by the Local Planning Authority.

The recommendations contained within the approved Method Statement shall be adhered to throughout the construction phase of the development.

Reason: To ensure a satisfactory standard of development in the interests of conserving the character of the host building and the character of the area.

- 6 No development shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the development works (including the glamping pods) hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 7 Notwithstanding the drawings hereby approved, details of the proposed roof lights shall be submitted to and approved in writing by the Local Planning Authority prior to development works commencing on site. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 8 Notwithstanding the details shown on drawing 11.20.TD.D3 Rev F, the replacement stable doors to be fitted in the south-east facing elevation of the building shall be either:

- a) non-opening or;
- b) Inward opening and fixed with an external flush fitting ballustrade.

The details of the replacement stable doors (and external bulustrade if proposed) shall be submitted to and approved in writing by the Local Planning Authority before development works commence.

The replacement doors (and external bulustrade if proposed) shall be implemented in accordance with the approved details, prior to the proposed coffee shop element of the proposals being brought into use and shall be retained as such during the lifetime of the development.

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Reason: To reduce the likelihood of obstruction of the highway or danger to pedestrians and road users in the interest of highway safety.

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

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

- 10 The ecological enhancement measures (SP Schwegler Sparrow Terrace and improved Double Crevice Bat Box) shown on drawing 11.20.TD.D3 Rev F shall be fully provided no later than 6 months from the completion of the development and shall be retained as such at all times thereafter.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policy ER 9 of the Swansea Local Development Plan (2010-2025).

- 11 No new external lighting shall be installed at the site without details of the proposed external lighting first being submitted to and approved in writing by the Local Planning Authority. Only external lighting that has been approved by the Local Planning Authority shall be utilised at the site. All other external lighting is prohibited.

Reason: In the interest of the visual amenities of the area and to preserve the natural beauty of the Gower AONB.

- 12 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including replacement tree planting and native hedging along the western and south-eastern site boundaries. The scheme shall include details of species, spacings and height when planted of all new planting.

The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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- 13 No development shall take place until details of any groundworks required to facilitate the siting of the pods, the proposed decked areas and any service trenches (to take account of the supply of services to the glamping pods) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.
- 14 The development shall be carried out in full accordance with the recommendations contained within Section 6 of the Arboricultural Report by ArbTs dated 15th February 2022.
Reason: In order to protect the trees/hedgerows on the site.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 1, 2, 4, 5 and 9
- 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: Policies PS1, PS2, CV1, ER4, ER8, ER9, HC1, HC2, T1, T6, T7, TR1, TR5, TR6, TR7, RP2, and RP3
- 2 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).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

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- 4 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
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 5 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- 6 All trenches and excavations should be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
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