

Planning Committee – 5th July 2022

Item 1

Application Number:

2021/1495/FUL

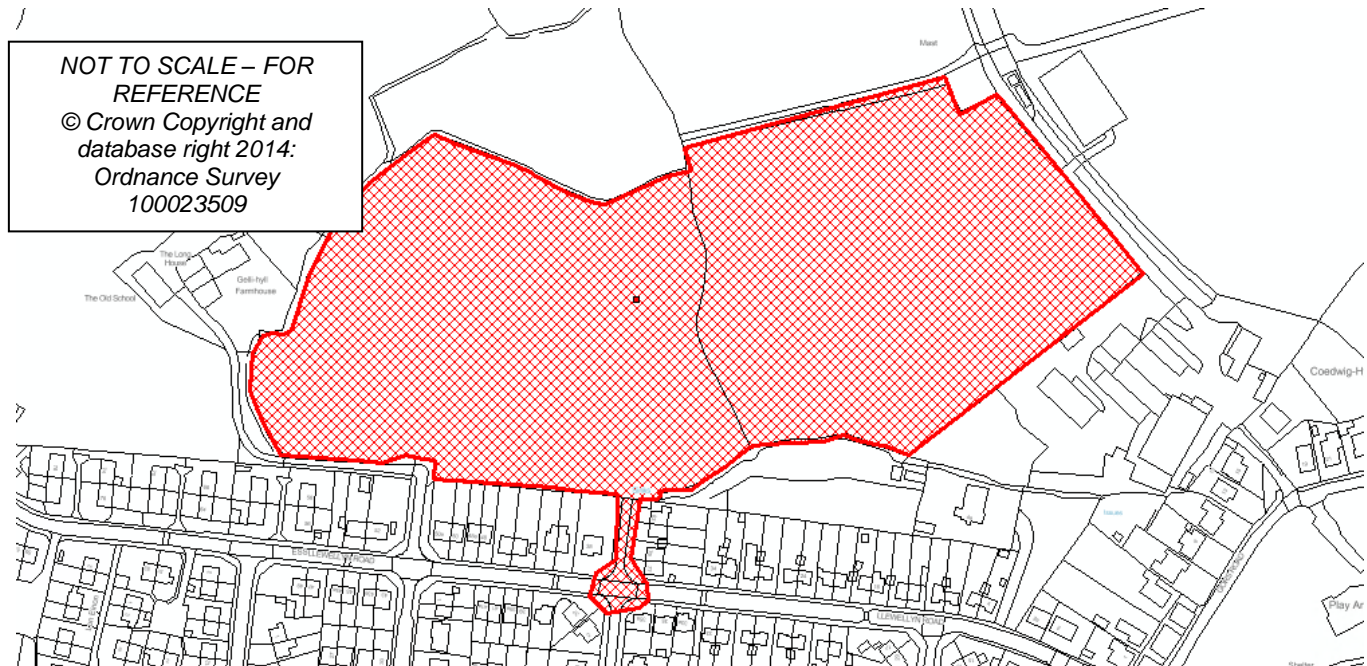
Ward:

Penllergaer - Area 1

Location: Land North Of Llewellyn Road, Penllergaer, Swansea,

Proposal: Erection of 166 dwellings with associated access, landscaping, open space, green infrastructure, drainage infrastructure and associated works

Applicant: Mrs Francesca Evans Barratt Homes South Wales Ltd



Background Information

Site History

App Number	Proposal	Status	Decision Date
2011/0345	Construction of up to 200 residential units with associated access (outline)	FDO	

Background

The application is reported to the Planning Committee for decision as it relates to a development of over 20 dwellings that exceeds the alternate development threshold set out within the Council's Constitution.

In terms of the planning history of the site, an outline planning application for up to 200 dwellings (ref: 2011/0345) was submitted in early 2011.

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The application was reported to Planning Committee in March 2015 and Members resolved to approve the application subject to a S106 agreement. The application was finally disposed of in January 2019 as the S106 agreement was not signed as the applicant did not wish to progress the scheme.

Within the former development plan, the Swansea Unitary Development Plan (UDP), the site was allocated for residential development and the previous application on the site, referred to above, sought to develop the majority of the allocation but excluded part of it to the east of the site. Within the adopted Swansea Local Development Plan (LDP) the site is identified as a housing commitment due to its status, at the time, of having a Planning Committee resolution for approval when the LDP was being prepared.

The application has been amended since its submission in June 2021 in order to try to address officer concerns in relation to several matters including design, highway safety and green infrastructure issues, and to allow time for the applicant's viability information to be fully assessed and considered. The application, as originally submitted, included 180 dwellings. This number has now been reduced to 166 dwellings.

The application has been screened to assess whether or not it would require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The screening assessment concluded that by virtue of factors including its size, nature and location, the development would not have a significant effect on the environment and would not, therefore, require an Environmental Impact Assessment.

Site Location

The application site comprises of two pasture fields with a combined area of 6.1Ha, located to the north of Llewellyn Road, which is located on the northern edge of Penllergaer. At the time of a recent site visit the eastern field was being grazed by cows. The site falls from north east to south west. Open fields adjoin the site to the north, with farms located adjacent to both the eastern and western boundaries (Coedwig Hywel and Gelli-hyll) and there are existing semi-detached residential properties located to the south on Llewellyn Road.

The site is bounded by several mature trees and hedges and has a hedge running through the middle of the site on a north-south axis. Currently the fields are accessed via a farm access road located off Gors Road to the east of the site whilst the proposed access to the site is located off Llewellyn Road via an access spur into what is currently a dead end street (Mount Crescent). There is a small stream forming a ditch along the southern boundary, from east to west.

The site lies in the sub catchment of the Afon Lliw, which flows into the Carmarthen Bay Special Area of Conservation (SAC) and Burry Inlet Special Protection Area (SPA). Views to the north and east are generally of farmland but are limited due to ground levels and existing vegetation. A mobile phone mast is located in the NE corner of the site.

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Description of Development

Full planning permission is sought for a residential development of 166 dwellings, with associated access, landscaping, open space, green infrastructure, drainage infrastructure and associated works. The development would provide for a range and mix of 1, 2, 3 and 4 bedroom two and two-and-a-half storey properties. The layout includes a local equipped area of play (LEAP), incidental open space and would be accessed off Llewellyn Road from Mount Crescent, a small spur directly opposite Golwg-Y-Garn.

In order to fully consider the development against the planning policy framework and relevant legislation, the application has been accompanied by a number of supporting documents:

- Planning Statement
- Design and Access Statement
- Ecological Impact Assessment
- Archaeological Desk Based Assessment
- Arboricultural Impact Assessment
- Transport Assessment
- Green Infrastructure Strategy
- Drainage Strategy
- Site Investigation
- Landscape and Visual Appraisal
- Welsh Language Impact Assessment
- Energy Sustainability Statement
- Environmental Noise Assessment
- PAC Report

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) 2021

Good Design Making Better Places

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

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

Access and Inclusivity

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

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

Environmental Sustainability

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

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places.

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This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

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

Community Safety

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

Movement

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

Car Parking

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

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

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

Integrating Green Infrastructure and Development

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, 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.

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 the climate emergency 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

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6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

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.

Adopted Swansea Local Development Plan (2010-2025)

PS 1 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.

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

PS 3 Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

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SD 2 Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO 2 Employment and Training Opportunities - developers are encouraged to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

H 1 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.

H 2 Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

H 3 Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability..

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.

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

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

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

SI 8 Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

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

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

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

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

ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

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

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

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.

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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

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

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

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

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

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

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

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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

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

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

Supplementary Planning Guidance (SPG):

The following supplementary planning guidance documents are considered to be relevant to 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)
- Community Safety (adopted 2012)

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. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: they are 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:

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.

Placemaking and Strategic Planning:

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 dated above. For the avoidance of doubt, the full range of comments that have been made by PSP Section in relation to this application are not repeated in this response but should be referenced in the determination of the application.

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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.

- Comments provided by the P&SP Section on previous iterations of the application endorsed the placemaking approach taken by the developer, including the approach taken to delivering a network of connected streets and green focal spaces [see comments dated 20/07/21]. The amended proposals similarly demonstrate a sound approach to embedding placemaking principles into the scheme design.
- Following negotiations with the applicant, layout amendments were made to address a variety of issues and the number of homes has been reduced from 180 in the initial submission to 166 in the final amended layout. The amended scheme indicates that the density for the final proposals would correspond to between 28-30 dwellings per hectare. This is short of the preferred 35dph density advocated by LDP Policy PS2, however in overall terms the density is considered acceptable on the basis of the sites nature and location, the minimal level of flats proposed, the SuDS features integrated into the scheme, and the overall approach to placemaking that the applicant has followed.
- Concerns were raised in relation to the original submission with regard to the number of house types that fell below the internal space standards guidance within the Placemaking for Residential Developments Guidance SPG. In order to address this matter two of the applicant's smaller standard house types (Chester and Kenley) have been omitted and replaced with several new larger house types. There are still six house types within the scheme that fall below the space standards set out within the Placemaking Guidance SPG, notably the Ellerton, Roseberry and Moresby, which are some 11sqm below the recommend standards. In addition, the Ennerdale and Hemsworth are both 3sqm below and the Buchanan is 7sqm below the recommended space standards. In considering the range of house types proposed as a whole in the amended proposals, it is considered the amount of floorspace that is below the standards set out in guidance is modest. The number of homes affected is not a significant quantum of the 166 in total. Given this, on balance the size of homes proposed is considered acceptable.
- The issue of proposed garden sizes and garden shapes has been reviewed by the applicant in the latest submission and has been resolved as a result of layout amendments that provide additional space where required. This is part of the reason why the number of homes has reduced from 180 to 166.
- A standalone Green Infrastructure Strategy has now been submitted as requested by the LPA which is welcomed. This addresses multi functionality at all scales. This explains how ecological enhancement can be integrated into spaces in streets. It also explains how the drainage features can become positive landscape features.
- The need for additional green infrastructure, in particular street trees, has been highlighted during discussions with the applicant. The LPA highlighted to the applicant areas where additional trees could be provided. As a result extra street tree buildouts are proposed along the main routes. These have been tested with vehicle tracking information to ensure the highway can function and also assessed to be safe via a stage 1 street audit. These street trees are welcomed to bring trees into the streetscene for multi-functionality including well-being, biodiversity, character and shading. The buildouts for the trees are also an integral part of the slow speed street design. It will be essential in placemaking terms that these features, which have been proven to be acceptable from a highway development management perspective, are retained as part of the s278 highway adoption process.

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- All streets incorporate sustainable drainage features in the form of planted 'bio-retention areas'. The main streets are made legible with street tree buildouts and quieter streets are designed as shared space with a protected pedestrian area. The block paved materials for the shared space areas as noted on the planning drawings. The use of high quality alternative materials are an important part of delivering quality, character and a sense of place. This aspect will require further discussion to confirm relevant details, and can be controlled via a planning condition. Again, it will be essential in placemaking terms that these features, which have been proven to be acceptable from a highway development management perspective, are retained as part of the s278 highway adoption process.
- Full details of the proposed play provision has now been provided by the applicant, including the Local Equipped Area for Play (LEAP) in the main central space with 6 play features plus benches and the perimeter trim trail which is all welcomed.
- In response to the previous comments, a link within the south of site is taken up to the boundary to allow for potential pedestrian access via Talbot Road. This link is well overlooked by a side aspect house type with front door facing the link and open space beyond. This is welcomed to increase permeability and connectivity.
- The previous iteration of the proposals had key parts of the layout being dominated by frontage parking to the detriment of natural surveillance and street scene. This has been resolved in the amended plans. The key frontage plots opposite the main play/ open space have been altered to side drive semi-detached houses (now plots 50/51) which gives a much stronger active frontage. Elsewhere where there was previously frontage parking to both sides of the street contrary to the adopted Placemaking Guidance for Residential Development, this has been amended to frontage parking on one side only and softened with planting - see for example the area between 34/36 and 62-64. The arrangement of remaining frontage parking is now considered acceptable.
- Throughout the layout, street corner plots have been improved with side windows and in many instances side entrance house type designs. This is welcomed to ensure a legible and safe street network that is engaged by active residential frontages.
- A key issue identified by the LPA during discussions with the applicant on the submitted proposals has been the need for 'uplifted' and/or enhanced properties and frontages. This approach is particularly important for a development of this scale in order to deliver variety, distinctiveness and overall quality to the new neighbourhood. The LPA has highlighted that this uplift approach should be focussed on key areas, as required by the adopted Placemaking Guidance for Residential Development. This requirement has been addressed around the main play and open space, with enhanced materials and front boundaries. Plot 1 at the site entrance has also been enhanced with a bay window to the prominent side elevation onto the main street. A wider range and extent of uplift measures would have been preferred however the measures that have been proposed are welcomed. It will be important to control the quality of all proposed materials, including uplifted treatment, which can be ensured via appropriately worded conditions requiring samples of materials and large scale drawn details.
- The discordant hipped roofs have been removed in most instances and where the hipped roof forms are retained they typically forms part of a coherent group such as plots 18-23 facing the south western open space.

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- Overall the site character has been changed to be more contemporary with larger windows to some house types and less fussy in terms of details. This is welcomed to deliver anew place and neighbourhood that will exhibit a sense of quality, character and attractiveness.

Development Viability

The applicant and relevant agents have submitted a number of Viability Assessments (VAs) to set out the financial viability of delivering the proposed development. These various VA's have been reviewed by the Council and responses issued. The latest details submitted indicate the developer proposes to provide a financial contribution of £1,372,504.00 for education measures, the specific details of which will need to be identified. Based on the Council's review of all financial viability information submitted, the applicant's conclusion in relation to the financial viability of the development are accepted. Specifically, it is not viable for more than 10% affordable housing (17 in number) to be delivered as part of the scheme if the proposed financial contributions are to be provided. The affordable housing is proposed to be delivered at a mix of broadly 60/40 social rent / intermediate.

Final Comments

The site is within the urban settlement boundary as defined in the adopted LDP, and proposals for residential development at the site have previously received a resolution to grant permission. The development of a new neighbourhood at this location is therefore acceptable in principle, subject to all other material considerations.

The above appraisal has focussed on the placemaking merits of the submitted scheme. This appraisal has highlighted that amendments made by the applicant to the proposed development, made as a result of positive discussions between the Council and the developer and agent, has resulted in the amended plans being met with support in placemaking terms. The proposed scheme was not presented to the Design Commission for Wales for expert impartial review, which is the preferred approach of the LPA for schemes of this size and significance. The proposals are however, on balance, considered acceptable in terms of placemaking for the reasons set out in the appraisal above.

Local Highway Authority:

Access

The proposed access is shown as an extension of Mount Crescent, this is an adopted highway, which has the potential to be widened to 5.5m carriageway width whilst maintaining appropriate footway widths. The existing residents of Mount Crescent currently park on street, the developer has proposed to provide perpendicular parking bays on the development side of the access to accommodate any displaced parking for these residents.

Due to the nature of Mount Crescent and the current lack of off street parking there may be the need to introduce some Traffic Regulation Orders on Mount Crescent and at the junction with Llewellyn Road to protect forward visibility and the junction visibility splays. The proposal also indicates a raised table type junction with Llewellyn Road, it should be demonstrated via speed survey whether this kind of intervention is required.

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The access to the site from Mount Crescent is shown as a priority narrowing, where vehicles exiting will give way to those entering, this to reduce the impact on a tree at the site access. This access form was accepted on the previous permission and appears acceptable. A stage 1 Road Safety Audit together with designers response has been submitted and is acceptable.

Trip Generation and Analysis

A trip generation exercise has been undertaken detailing total person trips and via census data modal split. This is acceptable and is commensurate with the levels in both the Swansea Strategic Transport Model, and committed development analysis for the strategic housing sites at Parc Mawr and Garden Village.

Potential traffic arising from this development has been considered at allocation stage and in the applications for the above mentioned sites, and the mitigations proposed on the wider network, and is therefore acceptable.

Detailed modelling of the site access and Llewellyn Road / Gorseinon Road junction demonstrates capacity exists at both junctions to accommodate predicted site traffic which is predicted to be 75 two way movements in the AM peak and 67 two way movements in the PM. Given current Welsh Government aspirations for 30% of potential commuters to continue to work from home post-pandemic, analysing the full effect of the development is robust.

The development in isolation is predicted to have less than a 1.5% increase in traffic on M4 junction 47, this is considerably lower than normal daily flow fluctuations, and unlikely to be discernible, but as discussed above this site was included in the overall analysis for the strategic sites and the mitigation offered.

Active Travel

The developer proposes a 3m wide shared active travel route through the majority of the site, comments have been raised as to further increasing permeability, through the provision of additional internal links.

Internal Layout

Comments provided at PAC referenced above on the adequacy of the internal layout have not been included in the submitted plans, although the PAC report does state that these are being considered and further iterations of the internal layout will be provided.

Conclusions

The access, and wider effect of the development site has been analysed and the conclusions drawn acceptable, however without sight of the revised proposals for the internal layout, further comment cannot be provided.

As it stands Highways would object to the proposals due to the inadequacies of the internal layout. Should the applicant provide amended details to address the comments raised at PAC, these will be considered.

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Local Highway Authority (final comments):

“With reference to the above application I have reviewed the revised tree placement outside plots 45 and 112, and the provided track plots, and the Highway Authority considers this to be an acceptable alternative to the original placement.

As such Highway Authority offers no objection to the application subject to the following suggested conditions.

Suggested Conditions:

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

All access works, relating to the highway Mount Crescent, 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. Before the development is brought into use the means of access, together with the vision splays and turning facilities, shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

In the interests of highway safety and general amenity

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

In the interests of highway safety and general amenity

- iv. The garages, to be approved, shall be used as a garage for purposes ancillary and incidental to the use of the dwelling house associated with it and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling. In the interests of highway safety and general amenity
- v. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

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The statement shall provide for:

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

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

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

Pollution Control:

"Please attach standard conditions and the applicant can then confirm that they have been met. These standard conditions also relate to gas. Also soil/aggregates may be imported and also there is a condition for unforeseen contamination.

Page 27 of the report relating to gas monitoring states:

"Upon completion of the full six rounds of monitoring the recommendation will be reviewed in a letter report and if necessary amended."

Therefore it seems that the full round of monitoring has not been completed. In my opinion, the applicant should also make reference to the report from the Coal Authority and confirm if any further gas monitoring is required/confirm there is no risk".

Pollution Control (final comments):

The submitted Terra Firma report would satisfy the requirement for the submission of a phase 1 site investigation report.

"I've been through the updated noise assessment and am satisfied with the contents. Installation of double glazing with trickle vents will ensure that the standards are met. I have no grounds for objection."

Landscaping (Trees):

The AIA identifies the likely impacts on trees and recommends an arboricultural method statement and tree protection plan to mitigate these impacts. In the event of approval please could you condition a TPP and AMS in a pre-commencement condition.

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The retained trees can be legally protected by TPO if the application is approved.

Ecology:

Summary:

No objection to the proposed development.

Conditions recommended in relation to: pre-construction checks for badger; reptile mitigation and enhancements; site clearance outside bird nesting season; hedgehog friendly boundary treatments; the requirement to cover trenches/excavations; lighting strategy; Construction environment Management Plan (CEMP); Landscape and Ecological Management Plan (LEMP); and ecological enhancements.

Drainage:

We are currently still considering the SAB Application under reference 2021/0037/SFA for which revised information has been submitted (3/5/22) for review which may or may not impact on the proposed planning layouts submitted on 25/4/22.

Parks:

I wish to make you aware of the following observations which I would like to be taken into consideration by the Parks Service which are as follows:

- We welcome the proposal for the inclusion of formal and informal POS provision, which includes a Local Equipped Area of Play ("LEAP") which is centrally located within the site (approximately 451 sq m in area), together with a series of LAPs, including trim trails and naturalistic play, informal areas of open space and ecological buffer zones around the site. We would also require further details of the design and layout of the proposed play area's prior and details of the supplying manufacturer prior to approval.
- There is no mention at this stage if the developer is to engage a private management company to maintain the facilities or will the council be requested to adopt them under a S106 agreement.
- A commuted sum will be required from the developer for future maintenance of any PLAY facility, tree maintenance/management or POS carried out by The Parks Service.
- Provision of a copy of an up to date Tree Survey of existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance.
- The future responsibility of the existing trees on the development which have been identified as being retained.

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Parks (final comments):

I have no further comment to make on the proposed development, if it does proceed and the Parks Service are expected to adopt the any POS/play facilities, we would wish to be involved from the outset to discuss proposals and S106 contributions for future maintenance.

Education:

1. Planning Application: 2021/1495/FUL Land North Of Llewellyn Road, Penllergaer, Swansea. Residential development of 166 dwellings (comprising of 4 x 1 bed *not included in SPG calculations,* 21 x 2 bed houses, 72 x 3 bed houses and 69 x 4 bed houses).
2. Catchment Schools, capacity and projected capacity

1.1. The development is in the **Penllergaer Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places September 2021	%	Forecast Number of unfilled places September 2027	%
English Medium Primary	Penllergaer Primary	-18	-5.98%	22	7.31%
English Medium Secondary	Pontarddulais Comprehensive	3	0.36%	11	1.31%
Welsh Medium Primary	YGG Pontybrenin	-4	-0.80%	84	16.77%
Welsh Medium Secondary	YG Gwyr	158	12.41%	-159* note this does not include increased capacity	-14.87%

3. Demountables It should be noted that Penllergaer Primary currently has 1 x double demountable, YGG Pontybrenin has 3 x double demountables and YG Gwyr has 1 x single and 3 x double demountables.

4. SPG Pupil Generation:

Penllergaer Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 11.84%			11.84%		88.16%	
Primary	50.22	£758,322.00	6	£90,600.00	44	£664,400.00
Secondary	35.64	£822,286.08	4	£92,288.00	31	£715,232.00
Post 16 provision	6.48	£160,496.64	1	£24,768.00	6	£123,840.00
Total	92.34	£1,741,104.72	11	£207,656.00	81	£1,503,472.00

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5. Existing Commitments

School	Pupil numbers	PA – Description
Penllergaer Primary		
	233	Land South of A420 Parc Mawr, Penllergaer 2018/2697
	233	
Pontarddulais Comprehensive		
	3	Land to rear of 188 St Teilo St., Pontarddulais 2018/1014
	2	Land to side of 28 Christopher Rise, Pontlliw (The Poplars) 2017/1342
	4	Land at The Yard, Cambrian Place, Pontarddulais 2018/1932
	9	Land off Coed Bach Road 2018/2629
	18	Land North of Carmel Road, Pontlliw 2020/0814
	36	
YGG Pontybrenin		
	1	Land at Ffordd yr Afon 2018/3619
	1	Land either side of Goole Road Ravenhill 2020/0661
	2	Land South of Glebe Road, Loughor, 2021/0112
	2	Pencefnarda Farm, Pencefnarda Road, Gorseinon, Swansea SA4 4FY, 2020/2357
	66	Land North of Garden Village, 2016/1478
	1	Land off Heol Pentrebach Gorseinon, 2020/2099
	4	Land to the South West of Beili Glas Farm, Loughor, Swansea
	77	
YG Gwyr		
	2	Former Walkers Crisp Factory
	1	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	2	Hendrefoilan Student Village
	1	Land either side of Goole Road, Ravenhill.
	1	Land at Ffordd yr Afon
	2	Former Council offices, Penllergaer. (Civic)
	1	Land Off Summerland Lane, Newton
	1	Land off George Manning Way, Gowerton
	1	Land to rear of 188 St Teilo St., Pontarddulais
	1	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off Pennard Road, Pennard, Swansea
	3	Land off Coed Bach Road
	1	Land off Higher Lane, Thistleboon, Swansea

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	1	Townhill Campus, Townhill Road, Cockett SA2 0UT
	1	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ
	4	Land West of Gower View Road & North of Brynafon Road, Penyrheol
	2	Land North of Chestnut Avenue, West Cross, Swansea
	5	Land North of Carmel Road, Pontlliw SA4 9EX
	1	Pencefnarda Farm, Pencefnarda Road, Gorseinon, Swansea SA4 4FY
	4	Land to the South West of Beili Glas Farm, Loughor, Swansea
	2	Land Formerly Part Of Olchfa School Aneurin Way Sketty Swansea SA2 7AA,
	38	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Penllergaer Primary	980	303.8
Pontarddulais Comprehensive	3390	745.8
YGG Pontybrenin	% 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 English medium primary school (Penllergaer Primary) currently has a deficit of 18 places (-5.98%).

Projections showing some (limited) surplus capacity by September 2027.

7.1.2. Welsh-medium: the Welsh medium primary school (YGG Pontybrenin) currently has a deficit of 4 places (-0.80%).

Projections showing 16.77% surplus capacity by September 2027, although there are a large number of existing commitments for this school.

7.2. Secondary:

7.2.1. English-medium: the English medium secondary school (Pontarddulais Comprehensive) currently has a surplus capacity of 3 places (0.36%).

Projections showing very limited surplus 1.31% capacity by September 2027.

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7.2.2. Welsh-medium: the Welsh medium secondary school (Y.G. Gwyr) currently has 158 surplus (12.41%) surplus spaces.

Projections showing deficit of 159 places (-14.87%) 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. However the projections are showing that even with the increased capacity, the number on roll is projected to be equal to the capacity, taking into account the existing commitments, this would leave the school with a deficit number of places.

8. Requested Contribution:

Whilst there is a proposed new school build in SDA C, the timing of any new build is linked to the SDA build rate and its own design and planning agreements. Any increase in pupil numbers in the area will need to be considered independently as there will still be an impact on pupil numbers and spaces in the schools.

8.1. **Primary:** There is a request the developer's contribution of £664,400.00 towards the English medium school (Penllergaer Primary). There is a request for a developer's contribution of £90,600.00 towards Education in respect of the Welsh medium primary school (Y.G.G. Pontybrenin).

8.2. **Secondary:** There is a request for a developer's contribution of £715,232.00 towards Education in respect of the English medium secondary school (Pontarddulais Comprehensive School). There is a request for a developer's contribution of £92,288.00 towards Education in respect of the Welsh medium secondary school (Y.G. Gwyr).

8.3. 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.

Education (final comments on the basis of proposed Education contribution):

“Education withdraw any objection to this development”.

Housing Officer:

“In response to the planning consultation 2021/1495/FUL Land North Of Llewellyn Road Penllergaer I can confirm I agree with the proposed location, type and tenure of the affordable housing”.

Economic Development (Beyond Bricks and Mortar):

"Beyond Bricks and Mortar (BB&M) is the Council's Community Benefit policy which aims to ensure that the Council takes advantage of the opportunities arising from new developments and bring added benefits to the people, businesses and communities of Swansea.

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The initiative's main focus is to bring economically inactive people back into the labour market and develop employment progression routes to enable these people to move on to higher skilled, higher paid jobs so contributing to the alleviation of poverty. As part of the construction phase of new developments BB&M seeks to include community benefit clauses to implement a targeted recruitment and training approach, thereby increasing job and training opportunities for unemployed and disadvantaged residents.

In order to maximise these opportunities the following is requested:

Targeted Recruitment and Training (TR&T)

- Training places and work experience opportunities are made available on site through contractors and sub-contractors. The number of person weeks of training calculated at approximately 52 person weeks of training per £1 million of development cost for New Entrant Trainees, Apprentices or other trainees.
- Every vacancy on site, including those with sub-contractors to be notified to BB&M at least 7 working days prior to the commencement of any recruitment process to enable applicants from unemployed and economically inactive to apply. They should be given equality of opportunity in the process.
- The completion of documentation and maintenance of a spreadsheet record, shared with BB&M, which will enable economic benefit data to be compiled.
- Supply chain and subcontracting opportunities should be publicised on www.sell2wales.gov.uk and notify BB&M when doing so".

Dwr Cymru Welsh Water:

"Further to our previous response (Ref: PLA0057658) on this planning application, we remind that the proposed development site drains to Gowerton Wastewater Treatment Works (WwTW) wherein the Memorandum of Understanding (MoU) requirements apply and a surface water removal scheme is required to compensate for foul flows. However, our response also advised that there is insufficient capacity in the public sewerage and watermain networks to accommodate the proposed development and therefore Hydraulic Modelling Assessments (HMAs) would be required for both accordingly.

As part of this latest consultation (Ref: 2021/1495/FUL), we acknowledge receipt of an updated drainage strategy (Rev. C) and accompanying cover letter which recognises the requirement to deliver removal of 1,494sqm of surface water runoff to compensate for foul flows, in accordance with the MoU. However, whilst the letter refers to a scheme to deliver the removal of 1,494sqm in cooperation with DCWW and Persimmon Homes, we would advise that this scheme does not negate the requirement to deliver off-site reinforcement works to the public sewerage system in accordance with a HMA, as previously requested (Ref: PLA0057658). Having reviewed the Council's planning applications website, we are unaware of any submitted details for the MoU surface water removal scheme albeit note that the on-site drainage proposes to discharge into nearby ditches, and we would remind of the requirement to obtain SAB consent under Schedule 3 of the Flood and Water Management Act 2010".

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Dwr Cymru have recommended the following conditions:

No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.

No buildings on the application site shall be brought into beneficial use until such time as reinforcement works to the local public sewerage system, into which the development shall drain, 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 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.

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.

Natural Resources Wales:

"We have no adverse comments on the additional/revised documents.

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".

Cadw:

No response received to date.

Coal Authority:

"I have reviewed the proposals and confirm that 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.

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Our records indicate that coal outcrops run through the site and that these may have been subject to historic unrecorded coal workings which may pose a risk to surface stability. The site is also within the boundary of a site from which coal has been removed by surface mining methods.

The planning application is supported by Geotechnical and Geoenvironmental Report, dated February 2021 and prepared by Terra Firma (Wales) Limited and a Former Opencast Workings Letter, dated 19 May 2021 and prepared by Terra Firma (Wales) Limited.

The Geotechnical and Geoenvironmental Report sets out details of the investigations carried out on site and comments that in the west of the site two intact coal seams were encountered with no evidence of these having been worked. The report authors note that no coal seams were encountered in the centre of the site and in the east of the site evidence of backfilled workings were encountered but no coal seams with the exception of a very thin unworked seam. On the basis of these findings no further works are proposed in respect of shallow coal mine workings. The report authors do however recommend reengineering of the site, due to the surface mining backfill, and detailed consideration of foundation designs for the dwellings.

The Former Opencast Workings letter states that following a review of available information, include the closure plan for the surface mining activity, the edge of the opencast should be considered as a large step but just a gradual transition from superficial cover to made ground. The letters authors comment that they have recommended engineered earthworks of the upper layer of the fill within the former opencast and across its boundaries and the use of reinforced raft or reinforced strip foundation and on this basis they consider that potential risks of differential settlement are minimal and recommended measures are in place to address this risk. It is noted that the layout as submitted appears to include an area of open space running through the site where the edge of the surface mining activity is indicated.

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.

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.

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On the basis of the information submitted, and the professional opinions of the report authors set out therein we have no objection to the planning application".

South Wales Police 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 slight concern I have is in respect of the footpath that encircles much of this development. However as it is overlooked directly by properties for the majority of its route I am willing to accept it.

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. Paths ideally should be 3 metres wide.

Entry onto the estate must be restricted to the designated routes".

Note: Further detailed comments also provided in relation to secure by design standards.

Fire and Rescue Authority:

No comment to make on access for fire appliances or water supplies.

The developer should consider the need to provide adequate water supplies vehicle access for firefighting purposes on the site.

Advice notes provided in relation to Water Supplies.

Neighbour comments:

The application was advertised by a press notice, site notices and letters were sent to neighbouring occupiers.

Fifty seven objection letters have been received, which have raised the following concerns:

- Increased noise and disturbance from passing traffic.
- Increased traffic on local roads and J47.
- Capacity of local schools.
- Capacity of the local waterworks.
- The proposed attenuation pond may be a danger to children and may attract rats.
- The impact of the BT mast on the health of children within the proposed development.
- The schools, dentists, doctors surgery and roads within the village are over capacity.
- The proposal will cause stress to residents.
- The development at Parc Mawr and this proposal will impact upon further on the infrastructure in the area.
- Greenspace should not be built on

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- The increased pollution from the development would harm the local environment and children's health.
- Loss of value of existing homes in the area.
- Concerns the existing drainage infrastructure cannot cope.
- Replacement parking within the site for residents of Mount Crescent is not sufficient.
- The garage of no. 83 Mount Crescent may be a serious danger for passing pedestrians.
- Hospitals are at capacity.
- If the properties are not sold the area will be left with a ghost town.
- Disruption to residents of Mount Crescent during construction from noise and dust.

Following the submission of amended plans and information the application was re-advertised by sending letters to neighbouring occupiers and previous objectors. Six letters of objection have been received, however, these letters do not raise any additional concerns over and above those summarised above and below.

Cllr Wendy Fitzgerald has commented on the application and has raised the following matters:

- The housing allocation at the site has changed since the UDP. This puts a completely different perspective of the proposals.
- The residents on Mt Crescent will not be able to park outside of their properties which has been the normal practice for many years.
- The replacement parking within the site for residents of Mount Crescent is remote from their properties and is not acceptable and will have a significant impact on residents.
- The gardens of properties on Mt Crescent could be excavated to provide off-road parking or the pavement on Mt Crescent could be removed to provide on street parking.
- How will residents of Mt Crescent be able to charge electric vehicles?
- Access should be gained from the former Talbot Road rather than Mount Crescent.
- An LDP Policy compliant 15% affordable housing is not being provided on the site.
- The surface water from the development will discharge to a local watercourse. The culvert on the site has seen blockages that has resulted in local flooding. This will need to be managed to ensure this does not create a flood risk.
- Question how effective the attenuation ponds would be given the high water table and boggy nature of the land.
- The construction works for the new access road could impact on the category A oak and compromise its future viability.
- The housing would be in close proximity to the kennels at Llys Nini.
- Damage could be done to bat roosts and foraging areas if trees and hedges are lost.
- Land to the south has been used for horse grazing. The smell of manure could be unacceptable to the new home owners.
- Penllegaer Primary is over capacity and Pontarddulais Comprehensive is at capacity. Question where the school children from the development would go?
- The 2011 census reveals that, for 84% of the residents of Penllegaer, the car is the main form of transport. J47 has not been considered formally within the Transport Assessment. This junction is over capacity at peak times, the proposed development may impact further on this junction.
- Question whether the proposal would also impact on the local roads and junctions.

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APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the principle of the proposed development in this location, the impacts upon visual amenity, residential amenity, highway safety, education and the environment having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site is identified as a committed site in the LDP on the basis of the previous Planning Committee resolution to grant outline planning permission for a residential development. The site is located within the urban area and immediately to the west there is a further parcel of land that is allocated for housing under LDP Policy H1.27, with an indicative capacity of 50 units.

While concerns have been raised in letters of objection that the development should not take place on greenfield land, such concerns are afforded little weight in the determination of this application. The site has been included as a commitment in the LDP and forms part of the Council's housing land and overall strategy to deliver new homes under LDP Policy PS3. As such, the principle of residential development is considered acceptable subject to compliance with the topic specific policies of the LDP that are applicable to this application.

Visual Amenity and Placemaking

In landscape terms, the development of the site would result in the permanent change from agricultural fields to an urban extension. The retention of the majority of the perimeter vegetation and central field boundaries would limit the wider visual impact of the development, such that the development would not result in any unacceptable adverse effects at a regional scale, according to the submitted Landscape and Visual Appraisal. In terms of the County/Local Landscape Character impact, the applicant's Appraisal reviews the proposals upon each LANDMAP Aspect Area and considers the proposed development would result in no greater than a minor adverse significance of effect, as direct effects would impact on a very small isolated part of the landscape. It is accepted that that the wider landscape impact of the development would not be significant and, in any event, the LDP commitment at the site acknowledges that a change in the landscape within this area is acceptable.

In terms of the visual impacts of the development, the applicant's Landscape and Visual Appraisal has reviewed the impact from several representative viewpoints around the site and surrounding area. As the proposal is an urban extension, views of the site are already influenced by the adjacent urban areas of Penllergaer. The most notable effect will be from very local views from footpaths and adjacent properties to the south on Llewellyn Road resulting in a moderate adverse significance of affect, according to the applicant's Appraisal.

Having regard to the information contained with the applicant's Appraisal, it is considered the overall landscape and visual impact of the development would not be significant and the retention of mature vegetation within and around the site, together with the enclosed nature of the site, would mitigate any significant landscape or visual impacts.

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Turning to the Placemaking aspects of the proposed development, the scheme has evolved following pre-application discussions and further post submission dialogue with the applicant. The broad principles of the development layout have remained the same in terms of the retention, as far as possible, of existing green infrastructure within and around the site, together with a central spine street on an east/west alignment with several perimeter blocks extending to the site edges in a series of connected streets.

Layout amendments were made to address a variety of issues and the number of homes has been reduced from 180 in the initial submission to 166 in the final amended layout. The amended scheme indicates that the density for the final proposals would correspond to between 28-30 dwellings per hectare. This is short of the preferred 35dph density advocated by LDP Policy PS2, however, in overall terms the Placemaking and Strategic Planning section consider the density is acceptable on the basis of the sites nature and location, the minimal level of flats proposed, the SuDS features integrated into the scheme, and the overall approach to placemaking that the applicant has followed.

A focal open space is proposed along the main access route into the development off Mount Crescent, which will incorporate a Locally Equipped Area of Play (LEAP), tree planting, benches and an attenuation basin. Site cross sections have been submitted for the central open space area which demonstrate that the levels will allow for the provision of a usable open green area and play space. This will be an important gateway feature that will bring play and activity into a prominent location at the heart of the development. A substation will be provided on the southern side of the central open space. The location of this essential infrastructure is considered to be acceptable as it would not be located in a prominent area, it is proposed to be partially screened by landscaping and its size and pitched roof design are considered to be acceptable.

In relation to green infrastructure, the retention of the central hedge line running on a north south alignment through the site would provide a green corridor and pedestrian route that bisects the site and connects the central open space with a walking route around the periphery of the site on its north, east and western sides. The green edge to the development is a welcome feature that is deep enough to provide play opportunities, with natural play equipment proposed, while also providing a suitable buffer and transition area to the countryside beyond. The details of the play equipment throughout the development can be secured by a condition.

Important trees are retained around the periphery and central areas including a Category A Oak tree at the entrance to the site. Tree loss in relation to the development is minimal and is limited to the clearance of low quality hedges (parts of G30 and G48) in the interior of the site and on the western edge, mainly to create future site access and internal roads. The existing robust tree belts on all boundaries of the site as well as the internal tree/hedge line are retained thus minimising any wider landscape impacts. The retention of these features will provide the development with an established landscape setting that will add to the quality of the place being created. This will be further enhanced by considered tree planting within the central open space, including larger specimen trees, and new tree planting around the site periphery and the elongated drainage basin in the lowest south western corner of the site. The provision of additional tree planting within the street scene has also been the subject of further discussions with the applicant. The main spine street and secondary streets within the development have now been amended to incorporate a good level of tree planting on both sides of the main street. The buildouts for the street trees are also an integral part of the slow speed street design.

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This is further supplemented by planted linear bio-retention areas within the street that will provide a good level of street greening whilst also acting as a sustainable drainage feature and attracting wildlife, thus providing multi-functional green infrastructure benefits to the development.

In terms of the built form, LDP Policy SD2 requires that attractive and resilient new buildings should be provided that reflect positive aspects of the local context. In this regard, the built form in the surrounding area is notably mixed. The applicant's Design and Access Statement provides a full context analysis of the area which demonstrates a variety of residential house types within adjacent housing areas built up in the 1930's, 1960's and more recently. The scale of the surrounding buildings are generally two storey, however, the height above road level of some of the older dwellings on Llewellyn Road gives the impression of a greater scale. Roof forms in the area are a mixture of gables and hips with roof materials being a mix of traditional rosemary clay tiles and more modern concrete tiles in a variety of colours. The mix of facing material for external walls is also varied with red brick and buff brick evident on more recent development and pebbledash render most commonly used on only properties.

The design of the new dwellings has evolved through discussions with the applicant to develop a series of house types that are distinctive to this development and to ensure that there is a satisfactory uplift in terms of the design quality of the development, particularly in key areas of the site, including around the open space area and important junctions within the street. Discussions have resulted in a number of alterations to the range of house types being provided as well as specific changes to individual house types to improve their functionality and visual aesthetic. Generally the emphasis has been on creating a more modern aesthetic and this is evidenced in the use of grey window frames, flat roof entrance canopies and dark brick feature areas around front entrances and windows.

There is a design strategy for the development to provide taller 2.5 storey dwellings at key locations within the site and this is most evident around the open space area and on key junctions. This is welcomed to emphasise the importance of these area and to create a distinctive built form along the access and main spine streets. Architectural uplifts have been required in these areas to improve the elevations on corner plots, for example through the provision of bay windows. Alternative render colours have also been indicated to create a more vibrant street scene in these areas.

The affordable housing provision within the site has generally been well dispersed through the site, albeit there is a localised concentration on the south east portion of the site. However, the affordable housing in this part of the site is not obviously segregated, and forms an integral part of the wider street scene in this area. Bespoke house types are proposed for the affordable units but the design of these units is consistent with the market housing and is therefore acceptable.

The previous iteration of the proposals had key parts of the layout being dominated by frontage parking to the detriment of natural surveillance and street scene. This has been resolved in the amended plans. The key frontage plots opposite the main play/ open space have been altered to side drive semi-detached houses (now plots 50/51) which gives a much stronger active frontage.

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Elsewhere, where there was previously frontage parking to both sides of the street contrary to the adopted Placemaking Guidance for Residential Development, this has been amended to frontage parking on one side only and softened with planting. The arrangement of remaining frontage parking is now considered acceptable.

The Police Designing Out Crime officer has commented on the application and is broadly supportive of the proposals whilst providing detailed guidance in relation to how the development could achieve Secure By Design standards. One area of "slight concern" highlighted in the comments is the provision of the footpath that encircles the site, however, on the basis that the path is well overlooked, the Police Designing Out Crime officer considers this is acceptable.

In terms of the impact of the proposals upon potential future adjacent developments, the proposals include an access stub leading to the LDP housing allocation to the west (H1.27) and an access to the adjacent farm Coedwig Hywel, which was previously a housing allocation within the UDP. A pedestrian connection to the edge of the site is also provided to allow for a future connection with Talbot Road. As such the proposals have regard to potential future developments and would not prejudice the development of the adjacent housing allocation.

Having regard to the foregoing, and the positive comments received from the Strategic Planning and Placemaking section, it is considered the proposed development would follow good placemaking principles and would allow for a sustainable urban extension that would provide a distinctive but appropriate development within this area in accordance with LDP Policies PS2, SD2 and the Placemaking Guidance for Residential Development SPG .

Residential Amenity

For the most part, the development is not located adjacent to existing properties. The exception to this is on the southern side of the site where proposed plots 1-9 would back onto existing properties on Llewellyn Road (Nos. 38 - 50a). In this area the gardens of the existing properties are relatively long, being approximately 20m. The back-to-back separation distances between existing and proposed dwellings in this area would be a minimum of 28m, which is considered to be acceptable on the basis that a 21m separation distance is the minimum that would normally be considered acceptable on a flat site. Notwithstanding this the garden levels of the proposed dwellings in this area are higher than those of existing properties which, without mitigation measures, could result in overlooking impacts and a loss of privacy for existing residents. To mitigate this impact a 2.1m high fence is proposed along the newly formed rear boundary which would be set above a low retaining wall of varying height (<1m) along much of its length. With a 2.1m high fence proposed, and having regard to the depths of the rear gardens of existing properties, it is considered the proposed boundary treatments in this area would provide an effective screen that would mitigate any significant overlooking of the gardens of existing properties. Moreover, a distance in excess of 10m would be maintained between the rear elevation of the proposed dwellings, which contain first floor windows, and the rear boundary fence of existing properties on Llewellyn Road. On this basis, the proposed development would not result in any significant overlooking or loss of privacy to the occupiers of Nos. 38-50a Llewellyn Road.

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The original submission proposed 180 dwellings on the site. A review of the layout identified a number of instances where the minimum 21m back-to-back separation distances would not be achieved. Moreover, there were an excessive number of instances where private gardens were considered to be sub-standard in size or would not have provided a functional space for the future occupiers in terms of orientation/ shape. The reduction in the number of dwellings on the site has improved the separation distances between properties and has allowed for greater space to be incorporated within gardens.

The levels at the site are challenging with a considerable fall from east to west. This has resulted in the need for retaining walls and small embankments in certain locations in order to provide level development platforms and usable private gardens. The minimum 21m back-to-back separation distances set out within the SPG are achieved throughout the site and where there is a change in levels the separation distances are generally increased as set out within Placemaking Guidance for Residential Development SPG. However, given the challenging levels, it has not been possible in every instance to increase the separation distances by 2m for every 1m change in levels as advised within the SPG. There are also some instances (7 in total) around the site where the full 15m back-to-side distance would not be achieved, however, this is considered to be acceptable on the basis that the scheme was originally developed and submitted on the basis of the separation distance guidance within the previous design guide SPG, which required a minimum back to side distance of 12.5m. As such it is not considered reasonable in this instance to require a 15m back to side distance across the whole development, although in many instances this has been achieved. Overall it is considered the design of the development has responded positively to the challenging change in levels throughout the site and, on balance, would not result in any significant amenity impacts upon the future occupiers of the development in terms of overbearing, overlooking or overshadowing impacts.

The size of private gardens within the development has been assessed against the guidance set out within the SPG which states the gardens serving dwellings should be no smaller than the footprint of the dwelling they would serve. The minimum garden size standard would be achieved and it is considered that all garden areas would provide satisfactory usable areas for sitting out and clothes drying.

Concerns were raised by officers in relation to the original submission, which included a number of house types proposed to be used extensively within the site that fell below the internal space standards guidance within the Placemaking Guidance SPG. In order to address this matter two of the applicant's smaller standard house types (Chester and Kenley) have been omitted and replaced with several new larger house types. There are still six house types within the scheme that fall below the space standards set out within the Placemaking Guidance SPG, notably the Ellerton, Roseberry and Moresby, which are some 11sqm below the recommend standards. The Ennerdale and Hemsworth are both 3sqm below and the Buchanan is 7sqm below the recommended space standards.

The majority of the proposed nineteen house types would be in accordance with the adopted space standards and the Ennerdale and Hemsworth would only fall marginally below the standards. The Moresby and Buchanan house types only make up a small proportion of the overall development (2 and 3 units respectively) whereas the Ellerton and Roseberry units would account for 17 and 9 units respectively, being 10.2% and 5.4% of the total housing proposed.

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The applicant considers it is appropriate to include these house types within the development on the grounds of affordability and their appeal to first time buyers including young professionals, young families looking for a starter home and older couples looking to downsize. The third bedroom is often used as a study or child's bedroom.

Reference to the floor plans for these properties indicates the provision of an open plan kitchen dining area at the rear opening out onto the garden and a separate lounge at the front of the property. Within the Ellerton the sleeping accommodation would provide two double bedrooms (one with an ensuite) and a smaller single bedroom. The Roseberry is the only 2 bed unit on the site and would provide two double bedrooms. The applicant's website provides a video flythrough of each house type. The overall impression from the plans and the flythrough is that the properties would be small but not excessively cramped and would provide suitable accommodation for the target occupiers. On this basis, and taking into account of the applicant's concerns in relation to affordability, and in recognition of the genuine steps the applicant has taken to improve the space standards of the units within the site, on balance, it is considered the proposed house types across the site would provide satisfactory space standards, when the development is viewed as a whole.

In order to assess potential noise impacts upon future occupiers the application has been accompanied by an Environmental Noise Assessment which used both continuous and sample monitoring to assess the local noise environment. The report was undertaken during a 'lockdown' period where restrictions on people movements were in place as a result of the COVID -19 pandemic as such worst case scenarios have been referenced in relation to road traffic noise. Road traffic is indicated to control the ambient noise climate day and night at the site. The assessment indicates that the site falls mainly within Noise Exposure Category A of TAN 11: Noise whereby TAN 11 states "Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable". The Assessment notes that standard thermal double glazing with trickle vents would be sufficient to control noise intrusion to the levels referenced in the British Standards (BS 8233:2014). A specific assessment of the potential impacts arising from the adjacent farm has been included within the assessment, which concludes that the occasional vehicular activity around the barns is unlikely to have a significant adverse impact. The Council's Pollution Control Division have commented on the noise assessment, they agree with its conclusions and have not recommended any conditions. The proposed development is therefore considered to be acceptable from a noise pollution perspective and would not conflict with the requirements of LDP Policy RP2. It is not considered that any conditions are necessary in relation to noise mitigation measures.

It is noted that Cllr Fitzgerald has highlighted the potential conflict between the proposed development and the activities taking place at Llys Nini some 350m to the north of the site. Case law has introduced the possible defence of a change of the locality. Noise emanating from such premises can be judged to be a statutory nuisance under certain circumstances. However, as with any similar situation involving the barking of dogs in particular, when assessing the nuisance potential, the Council's Pollution Control would be looking for an adequate element of control to be exerted over the animals at any time that noise from them may become an issue. In essence this means that whenever the dogs begin to bark, provided a member of staff is present to control the barking and bring it to a stop, they would consider this to be adequate control and not consider it to be a statutory nuisance issue and therefore no abatement notice would result.

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The noise assessment does not reference any specific noise impacts arising from Llys Nini as such it is not considered that any specific noise measures are required to address any potential noise impacts arising from Llys Nini.

Concerns have been raised in letters of objection in relation to potential disturbance, environmental health and stress impacts arising from construction activities. The Pollution Control division has raised no concerns in this respects. While it is acknowledged there will be an element of disturbance to neighbouring properties, it is considered that any significant impacts can be mitigated through the provision of good site management practices, for example, by limiting construction hours and utilising dust suppression methods. These matters can be addressed through the submission of a construction environment management plan in order to address residual environmental health issues.

Concerns have been raised in a letter of objection in relation to the impact of the development upon local pollution levels. In response to this concern, neither the application site nor the surrounding area are located within an air quality management area. In view of the relatively low level increases in traffic in the local area that would result from the development it is not considered that the proposed development would result in any significant or harmful impacts upon local air quality. The Pollution Control division have not raised any air quality concerns with the proposed development.

Concerns have been raised in a letter of objection in relation to the impact upon children given the position of the phone mast in the north eastern corner of the site adjacent to plot 136. In response to this concern it is the Welsh Government's view (Para 5.2.15 of PPW) that if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines it should not be necessary for a local planning authority in processing an application for planning permission, to consider further the health aspects and concerns about them. The application for the mast would need to have been accompanied by this ICNIRP certificate. Finally, there is no specific policy / guidance on appropriate distances between play areas or housing and existing or new telephones masts. On this basis this concern is afforded little weight in the determination of this application.

For the above reasons, it is considered, on balance, that the development would not result in any significant impacts upon the living conditions of existing residents or the future residents of the development and would therefore not conflict with LDP Policies RP1, RP2, RP3 and PS2, which broadly require that proposals should ensure that no significant adverse impacts would be caused to people's amenity, including from environmental noise, air and light pollution.

Access and Highway Safety

The application has been accompanied by a Transport Assessment which has assessed the impact of the projected development traffic on the existing highway network. A trip generation exercise has been undertaken detailing total person trips and via census data modal split. The development in isolation is predicted to have less than a 1.5% increase in traffic on M4 junction 47, the Local Highways Authority (LHA) notes that this is considerably lower than normal daily flow fluctuations, and unlikely to be discernible. The information has been reviewed by the LHA and is considered to be acceptable. The predicted traffic would be commensurate with the levels in both the Swansea Strategic Transport Model, and committed development analysis for the strategic housing sites at Parc Mawr and Garden Village.

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The LHA note that detailed modelling of the site access and Llewellyn Road / Gorseinon Road junction demonstrates capacity exists at both junctions to accommodate predicted site traffic which is predicted to be 75 two way movements in the AM peak and 67 two way movements in the PM. The LHA note Welsh Government's aspirations for 30% of potential commuters to continue to work from home post-pandemic, as such analysis of the full effect of the development is considered to be robust.

The proposed access is shown as an extension of Mount Crescent. This is an adopted highway, which has the potential to be widened to 5.5m carriageway width whilst maintaining appropriate footway widths. The site access is shown as a priority narrowing, where vehicles exiting will give way to those entering, this to reduce the impact on a tree at the site access. The LHA note that this form of access was accepted on the previous outline proposals for the site and appears acceptable. The LHA have confirmed that the submitted stage 1 Road Safety Audit together with designers response is acceptable in relation to this access.

Concerns have been raised by nearby residents on Mount Crescent that the proposal would impact upon their ability to park on street. These concerns have been re-iterated by Cllr Fitzgerald. In response to these concern, there are no dedicated rights that would allow residents to do so in perpetuity. The developer has proposed to provide perpendicular parking bays on the development side of the access to accommodate displaced parking for these residents. This facility has been provided as a gesture of good will by the applicant and has not been specifically requested by the LPA. Cllr Fitzgerald has also questioned how residents on Mount Crescent would be able to charge an electric vehicle. This is considered to be a wider strategic question that will affect residents across Swansea who do not benefit from off road parking. As such this concern is not considered to be material to the determination of this application.

The LHA consider there may be the need to introduce Traffic Regulation Orders on Mount Crescent and at the junction with Llewellyn Road to protect forward visibility and the junction visibility splays. The proposals indicate a raised table type junction with Llewellyn Road and the LHA consider it should be demonstrated via speed surveys whether this kind of intervention is required. Should the development be approved, these detailed highways matters can be dealt with thorough a Section 278 Highways agreement.

Parking provision is generally provided as two or three parking spaces per plot, mainly within side drives, although the social rented flats and houses would benefit from one dedicated parking space with visitor spaces available near to the properties. This is considered to be acceptable, on balance, given that low levels are car ownership are often observed for this type of housing tenure. Elsewhere within the site visitor provision has been designed into the scheme with a total of 20 visitor spaces provided across the site.

Following a review of the proposals the LHA has offered no objection to the proposals, subject to the conditions and informatives referenced within the consultation section above. In the main, these requirements are considered to be necessary to make the development acceptable in highway safety terms and it is recommended these requirements can be secured through conditions and accompanying informative notes.

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However, S278 is a separate legal process and planning conditions should not seek to replicate other controls so it is not considered necessary to attach conditions requiring the applicant to enter into a S278 agreement (as they'd have to by statute in any event) and a Construction Method Statement would also be secured as part of this process. A Construction and Environment Management Plan (CEMP) condition would however be attached to any grant of consent to minimise pollution issues during construction.

Concerns have been raised in a letter of objection that the garage of No. 83 Mount Crescent may be a serious danger for passing pedestrians. In response to this concern, the garage is adjacent to the adopted highway, it would be clearly visible to passing pedestrians who would be aware of it and would be able to take suitable precautions when passing. It is not considered the garage would present a significant risk to pedestrian safety.

In view of the foregoing it is considered that the development would comply with LDP Policies T2, T5, T6 and the 'City and County of Swansea Parking Standards' SPG.

Drainage and Water Supply

The site is currently agricultural fields with a land drainage network of small drains. The site is located within Zone A on the NRW DAM maps (considered to be at little or no risk of fluvial or coastal flooding), however, concerns raised by Cllr Fitzgerald indicate that the site is subject to localised surface water flooding associated with culverts on or near to the site and this is confirmed by the Council's drainage engineer.

The proposal will discharge surface water to two drainage attenuation basins within the site. One is located in the lowest part of the site in the south west corner, with the other located within the central open space area. The proposed sustainable drainage features within the site include pervious paving and a series of bio-retention areas with underdrains at the edge of the footways. The development will require SuDS Approval Body (SAB) consent and the Council's drainage officer has been involved in discussions in relation to the principles of the SuDS scheme for the site. The principles of the proposed drainage strategy have been discussed and are supported in accordance with LDP Policies RP4 and RP5.

In relation to the flooding concerns raised by Cllr Fitzgerald, the Council's Drainage officer has stated that most of the flooding problems in this area relate to run-off and difficult maintenance access for the culverts. In terms of the run-off issue, under the SuDS legislation the SAB will review the surface water discharge rates for the site and the design of the scheme in order to slow and manage surface water arising from the development to mitigate potential flooding impacts. The Drainage officer has clarified that the run-off from the development would be equivalent to the existing greenfield run-off rate. The Drainage officer has also clarified that the exceedance flows for larger storm events would be confined to the highway, which is acceptable, and would not result in flooding to properties within the development or elsewhere.

Funding and maintenance of the on-site infrastructure would be dealt with through the SAB consent process. The maintenance of the culverts in the area fall to the riparian landowner and the Council's Drainage section have no powers to ensure regular maintenance is carried out to these culverts. Discharging surface water into the culvert does not mean that the developer assumes any responsibility for it, only where it is within their ownership do they have any responsibilities.

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The Drainage officer has stated that, as a result of the proposed development, access to the culvert screen on one of the culverts would be improved. This could facilitate improved maintenance of the culvert system and help to prevent potential flooding through blockages. It should be noted that the Drainage Officer has offered no objections to the proposals.

The SAB consent application is currently being considered by the SAB and this is separate to the planning process.

Concerns raised initially by the drainage officer in relation to the location of the electrical substation relative to the culvert and the provision of a satisfactory easement to the existing watercourse ditch have been addressed by relocating the substation and confirming that several existing ditches would become redundant as a result of the development and are proposed to be backfilled. Moreover, the applicant has confirmed the watercourse to the south lies wholly outside the site and is maintained outside of the application site area. The retained watercourse running north/south through the site allows for adequate maintenance access.

In relation to foul water and water supply, the proposals are to discharge foul water, via a gravity system to the mains foul sewer. While not objecting to the application DCWW has highlighted that there is insufficient capacity in the public sewerage system and watermain network to accommodate the proposed development at the present time and therefore a hydraulic modelling assessment would be required. In order to address this matter, DCWW has recommended Grampian conditions with the effect that no dwellings shall be occupied until such time that reinforcement works have been undertaken to the local public sewerage system and local water supply network respectively. Welsh Government Circular WGC 016/2014 "The Use of Planning Conditions for Development Management" notes that it is appropriate to use such conditions where there is a prospect that the actions required would be performed within the lifetime of the permission, in which case the local planning authority would have to be satisfied that some reasonable prospect existed that the sewerage system would be sufficiently improved or provided before the proposed occupation of the houses. The applicant has confirmed that they are in discussions with DCWW to address the matters raised within their letter. In light of DCWW's comments, which offer no objection to the application, it is considered that the use of Grampian conditions to address these matters would be acceptable and necessary.

The application site is located within the drainage catchment for Gowerton Waste Water Treatment Works where the connection of foul flows generated by new development currently introduces the risk of deterioration in water quality of the Burry Inlet and Loughor Estuary. The reasoned justification to LDP Policy RP4 notes that new development will only be allowed to connect foul flows to the sewerage system for disposal once any risk has been reduced through mitigation measures, normally in the form of surface water removal away from the combined sewer within the same catchment. The applicant accepts that an appropriate surface water removal scheme will need to be provided to address this important water quality issue and is currently in discussions with DCWW in relation to this requirement. It is considered that a further Grampian condition can be used to address this requirement in accordance with the requirements of DCWW and RP4.

Concerns have been raised that the provision of the attenuation ponds may present health and safety concerns for children and may attract rats. In response to these concerns, attenuation basins are now common features within larger developments, and indeed required by legislation.

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The applicant has confirmed that the attenuation basins have been designed to ensure they are predominantly dry throughout the year, (and only then during heavy rainfall periods) and are considered to present a minimal risk to young children who would normally be supervised by a responsible adult. The LPA is not aware of any evidence that would suggest attenuation basins attract vermin, as such these concerns are afforded little weight in the determination of this application.

Land Instability and Contamination

The application site is located partly within a development high risk area for former coal mining works. Coal outcrops run through the site and these may have been worked in the past. The site is also within the boundary of a site from which coal has been removed by surface mining methods, according to the Coal Authority. In this respect the application has been accompanied by a Geotechnical and Geoenvironmental report together with a letter to address issues arising from the former opencast workings.

The submitted information proposes mitigation measures to address the legacy issues associated with former mine workings that may impact upon the development and occupation of the site. These include foundation designs and re-engineering of the site due to surface mining backfill. The Coal Authority have not recommended any specific conditions to address land instability issues and it is considered that the foundation design for the development would be addressed under Building Regulations. On this basis it is considered that no conditions are necessary to address land instability issues at the site and the development would not conflict with LDP Policy RP7.

In relation to land contamination the Coal Authority have noted that where coal resources or coal mine features exist at shallow depth or at the surface there is a potential for mine gas to exist. The Coal Authority have indicated that local planning authorities should seek advice on gas hazards that exist. The Pollution Control division have reviewed the submission and have recommended standard land contamination conditions to address residual land contamination and potential land gas issues. The Geotechnical and Geoenvironmental report submitted with the application is considered to provide a satisfactory desk based phase 1 site investigation, however, conditions are recommended requiring the submission of intrusive site investigations in order to inform any necessary remediation requirements, together with verification/validation information, where necessary. Subject to such conditions it is considered that the proposed development would not conflict with LDP Policies RP1 or R6.

Ecology and Trees

The application site is not located within any nationally or locally designated sites of ecological importance with the closest Site of Importance for Nature Conservation (Llys Nini) located some 125m to the north of the site. Notwithstanding this, there are mature trees and hedgerows within and around the site that may be affected by the development. An Ecological Impact Assessment Report has been submitted with the application together with further specific ecological survey documents in relation to reptiles, bats and dormouse.

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PPW requires that local planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Ecological enhancement must be secured wherever possible. The stepwise approach to site developments is also set out within the Council's Biodiversity and Development SPG.

Following early discussions with the local planning authority the applicant has sought to minimise impacts on existing green infrastructure within the site by avoiding development close to boundary hedgerows and only encroaching upon them where it is necessary to provide access through the site, for example, to provide the main east-west spine street.

The applicant's ecological reports have been reviewed by NRW and the Council's Planning Ecologist. A low population of grass snakes, common lizards and slow worm were found at the site, therefore reptiles have the potential to be negatively affected by the development in the absence of mitigation. A Reptile Survey Note has been submitted which includes mitigation measures. The Council's Planning Ecologist considers the mitigation measures are appropriate to address the potential impacts on the local reptile population and includes measures to be undertaken to avoid killing and injuring reptiles during construction together with habitat enhancement measures. The mitigation and enhancement measures can be secured by conditions and an informative note.

In relation to bats, there are no buildings on the site. Two trees were assessed as having high potential for roosting bats whilst 10 were assessed as having moderate potential and 15 with low potential. No trees with moderate or high potential are proposed to be removed. The Assessment considers the site provides moderate quality foraging and commuting habitat for bats. Nine bat species were recorded on site. In order to mitigate potential impacts upon bats both NRW and the Council's ecologist have recommended a condition in relation to a sensitive lighting strategy for the site and this is considered to be both reasonable and necessary in view of the recorded use of the site by bats. Ecological enhancements are also proposed in the form of bat boxes to be installed in hedgerow trees around the site.

A Dormouse Survey Note has been prepared for the site. A data search returned no records of dormouse within 1km of the site. No evidence of dormouse was recorded during any of the survey visits throughout 2021. The Survey Note therefore considers the species is absent from the site. Notwithstanding this, mitigation is proposed in relation to the methodology for the limited removal of hedgerow to facilitate the development. Enhancements are proposed to the retained hedgerows to strengthen wildlife corridors through the site.

The Council's ecologist has recommended an informative note in relation to nesting birds and a condition in relation to the timing of clearance works. However, a condition in relation to clearance work is not considered necessary. This can be dealt with by an informative note. The development proposals include the provision of 45 swift boxes on houses within the proposed development which would provide a good level of ecological enhancement.

In relation to badger, although no signs of badger were identified during the survey work, the hedgerow habitat on site is considered suitable for badger and there are records of this species in connecting habitat to the north of the site.

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It is also noted that only the habitats within the red-line boundary were surveyed, however, the council's ecologist has cautioned that construction may impact sets up to 30m away and has requested a pre-construction survey of the site and habitats 30m from the site. It would not be reasonable to impose such a condition as access to land outside the site would require third party agreement and badgers are protected by other legislation in any event.

The ecologist's request for pre-construction checks thorough a condition is not considered to be reasonable or necessary. The ecological surveys undertaken to date demonstrate that, with mitigation and enhancements, the proposal would not result in any detrimental ecological impacts. Clearly the baseline ecological conditions at the site may change between approval of the development, should planning permission be granted, and the commencement of construction works, however, it is incumbent on the developer to ensure the works would not conflict with the requirements of the relevant wildlife legislation. On this basis an informative note is recommended in relation to pre-construction checks.

The Council's planning ecologist has requested the provision of a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP). Both requirements are considered to be necessary in view of the scale of the development, the potential for impacts upon local watercourses, and to ensure satisfactory ecological mitigation and enhancement measures are in place during the construction and occupation phases.

In light of the above, and subject to conditions, it is considered that the proposals would not have a harmful impact upon the ecology of the area, subject to satisfactory mitigation measures and ecological enhancements, which can be secured through conditions. The development would therefore comply with LDP Policies ER2, ER8, ER9 and the guidance set out within the 'Biodiversity and Development' SPG.

In relation to the impact upon trees, as indicated above, the existing trees/hedges within the site are being retained for the most part. The proposals will see the removal of parts of hedgerows G30 and G48 (Category C - low quality) to facilitate the development and these impacts are considered to be unavoidable as they relate to the provision of internal roads. Trees T10 (Oak), T14 (Oak), T16 (Ash), T34 (Ash), T36 (Ash), T37 (Ash) and T39 (Oak) are recommended for removal in the Tree Survey due to poor quality (U category).

Cllr Fitzgerald has raised a concern that the proposals may damage the Category A Oak tree near the entrance to the site. In response to this concern the proposals have been amended to narrow the width of the access at this point in order to minimise the impact upon this tree. Moreover, the Council's tree officer has offered no objection to the proposals subject to a condition requiring the submission of tree protection details and an arboricultural method statement. These requirements are considered to be necessary in order to protect the amenity and biodiversity of the site. Subject to these requirements, it is considered the proposal would not conflict with LDP Policies ER2 or ER11.

Welsh Language Impact

The application site is located within a Welsh Language Sensitive Area within the LDP Proposals Maps. Policy HC3 seeks to safeguard and promote the Welsh language thought the County.

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For planning applications on allocated sites HC 3 requires the submission of a Welsh Language Action Plan. While the site is not specifically allocated for housing within the LDP, being a housing commitment, it is considered that the provision of information to assess and mitigate the impacts of the development upon the Welsh language in the local area is justified. The application is supported by a Welsh Language Impact Assessment that includes measures to mitigate against potential impacts of the development in this respect. These include: the promotion of the Welsh language, for example, by highlighting the proximity of Welsh schools and providing details of Welsh language classes within sales literature; strong advertising/marketing in the local area; bilingual sales/marketing to be made available upon request; encouragement given to using traditional Welsh names for the new streets.

While the above measures form a good basis to mitigate the potential impacts upon the Welsh language in the local area, it is considered firm commitments to providing enhanced mitigation must be provided within a Welsh Language Action Plan and this matter can be secured by a condition in accordance with LDP Policy HC3.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the application and consider there is unlikely to be any archaeological restraints to the proposed development. On this basis GGAT have offered no objection and have not requested any conditions in relation to an archaeological watching brief. Having regard to their comments it is considered the proposal is unlikely to result in any archaeological impacts and would therefore not conflict with LDP Policies HC1 and HC2.

Section 106 Planning Obligations and Viability

In accordance with LDP Policy IO1 development must be supported by appropriate infrastructure and, where necessary, planning obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable. This will include addressing any identified deficiencies in provision or capacity directly related to the proposals.

The applicant has submitted viability information in order to challenge the LPA's requests for the scheme to provide an LDP Policy compliant level of affordable housing provision under Policy H3 and Education contribution under Policy SI3. The applicant has offered a contribution for play facilities in accordance with Policy SI6 and these matters are discussed in detail below.

Affordable Housing

The application site is located within the Greater North West Strategic Housing Policy Zone where the target for affordable housing provision is 15% on site provision in accordance with Policy H3. The application was initially submitted with 5% on site provision; under the current proposals the percentage has increased to 10% with a 60:40 mix of social rented and intermediate (low cost home ownership) respectively.

The target percentages within Policy HC3 are subject to consideration of the financial viability of the proposal.

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The applicant has submitted viability information with the application based on an open book approach. This information has been reviewed by the Council's Placemaking and Strategic Planning team using the Development Viability Model (DVM).

Detailed discussions have taken place in order to reach common ground on the inputs into the viability appraisal including matters relating to build costs, finance rate, sales values and abnormal costs. The applicant's recent development at Chapel Fields in Loughor has been used to benchmark the sales values that could be achieved at the site. The abnormal costs at the site are considerable with the highest proportion attributable to ground conditions, overhead cable diversions, off site surface water removal and foul water sewer requisition. The abnormal costs have been factored into the Council's viability assessment. The conclusions of the DVM appraisal are that the scheme is not viable for more than 10% affordable housing (17 units in total with a 59/41 percentage split social rented/intermediate) to be delivered as part of the scheme if the proposed financial contributions are to be provided.

The affordable housing provision offered would be under the 15% on site LDP requirement, however, the viability information submitted by the applicant demonstrates that there are genuine viability issues at the site that would challenge the provision of a policy compliant level of affordable housing while also providing other necessary infrastructure requirements. The Council's viability appraisal is based on the abnormal costs provided by the applicant, which have been reviewed by the applicant's appointed consultants. While these abnormal costs have not been the subject of an independent review by the Council, it is recognised that there are a range of abnormal costs at the site that will require significant investment to resolve.

LDP Policy H3 allows for a lower percentage of affordable housing based on an assessment of viability. The reasoned justification to the Policy states that the LPA will take a fair and pragmatic approach to the consideration of the specific development variables that apply to each case, in order to ensure that the affordable housing provision that is sought will not make the scheme unviable. The text goes on to state that all relevant variables will need to be considered as part of any assessment including:

- The total cost of S106 agreement obligations that are required/agreed
- Any site-specific constraints and requirements that generate 'abnormal' costs
- Any variations to typical build costs that are reasonably associated with the specific scheme proposed
- The proportional split between social rented and intermediate types of affordable housing
- Evidence about land and property values, and
- The need to provide both landowners and developers with competitive returns

Having regard to the above, it is necessary to consider whether the level of affordable housing provision offered would be appropriate and policy compliant, or whether the 10% would render the scheme unacceptable on the grounds that it would be too far below the 15% target and would result in a scheme that would not be sustainable and would not create a mixed community as required by PPW (4.2.29).

Following detailed discussions with the applicant in relation to the viability of the site, the LPA has reached a position in relation to what Section 106 planning obligation requirements the scheme can bear having regard to the information provided by the applicant on an open book basis.

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The scheme will not hit the 15% affordable housing target and this does weigh against the development, however, it must be borne in mind that Policy H3 allows for a fair and pragmatic approach in relation to the target affordable housing provision such that it should not render schemes unviable. There must be recognition within the planning balance that the approval of this scheme with 10% affordable housing provision will still make a valuable contribution to the affordable housing need within this area and provide for both social rented and intermediate units. The Housing officer has not objected to the proposals on the basis of the viability evidence. The scheme is considered to accord with good placemaking principles and would result in the development of a site that has historically been allocated within the UDP and is currently a housing commitment within the LDP, thereby making a material contribution to housing delivery in line with Annual Monitoring Report projections to ensure the identified need for new housing in Swansea is being met. On this basis the level of affordable housing proposed is considered to be acceptable, having regard to the viability of the site.

Open Space Provision

LDP Policy SI6 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. The Council's Open Space Assessment (OSA) provides a review of the levels of open space and play space available within each ward. With regards to recreational open space, the Council applies the FIT standard of 2.4 hectares per 1,000 population, which is the standard against which all proposals will be assessed when calculating the appropriate amount of recreational open space to be provided within all new developments. Reference to the most recent OSA, undertaken in (2010) indicates that Penllergaer Ward is 0.1 hectare (ha) over the recommended FIT target. However, the OSA identifies a deficiency in Children's Playing Space (0.6 ha) and equipped playgrounds (0.03 ha). More recently, work undertaken by the Bellway Homes for the planning application for Parc Mawr identified a shortfall for the ward when compared with the FIT standard, concluding that the existing level in Penllergaer is 2.18ha per 1000, whilst this would increase to 2.24Ha per 1000 population post development at Parc Mawr. In time, the Parc Mawr development has the potential to improve play provision and access to natural green space within the locality, which will address some existing deficiencies in the ward.

The proposed development will provide a Local Area for Play (LEAP) near the site entrance and this may well attract some children from the existing residential areas to the south west of the site where there is a deficiency in local play provision. However, the recently upgraded play provision within the central green in Penllergaer fronting Gorseinon Road may be more attractive for existing residents. The proposed development would also provide several Local Areas of Play (LAP) around the site periphery and areas of incidental open space on the peripheries (including a trim trail) and adjacent to the central belt of retained vegetation. The applicant has indicated the open space within the development would be managed and maintained by a management company.

In accordance with the Fields in Trust Standards the scale of the development is such that a contribution towards a Multi Use Games Area (MUGA) would be justified. The applicant has included within the viability assessment a sum of circa £108k for the provision of a MUGA including a commuted sum for its maintenance.

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Discussions with the Parks department have indicated that the most appropriate location for such a facility would be within Penllergaer Green on Gorseinon Road near to the existing play park. However this area is common land and the provision of a MUGA on this land would require consent to be obtained from the Welsh Ministers and would require a land exchange to compensate for the loss of common land. Clearly this would not be a straight forward process and the requirement to provide a land exchange, in particular, would present significant challenges to the provision of the MUGA in this location as the Council would need to provide the exchange land. Therefore, given the significant question marks regarding the deliverability of the MUGA in this location, it is considered a financial contribution towards a MUGA in this location cannot be justified. An alternative location would be Melyn Mynach, opposite Penyrheol Comprehensive where there is an existing skate park and bmx pump track, however, this park is approximately a 1.9mile walk from the application site. It is therefore considered the provision of a contribution toward a MUGA in a location remote from the site may not meet the CIL tests.

Consideration therefore needs to be given to whether the lack of a contribution for a MUGA would render the scheme unacceptable in planning terms. It is considered that it would be difficult to sustain a reason for refusing the application for this reason alone. While it is considered that a contribution request is justified, and the development will exacerbate an existing deficiency in older play provision within the ward, the applicant has expressed a willingness to provide a contribution, yet the practicalities of providing a MUGA in a location that would be readily accessible to the future occupiers of the development would not make this possible. In time the Parc Mawr development will improve older play provision within the ward, however, until these are developed the existing deficiency in provision will remain.

Education

LDP Policy SI 3 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.

LDP Policy IO1 emphasises that 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.

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The Education department have been consulted on the revised proposals which have reduced the number of units down to 166 units. The Education financial contribution is set out above within the "Response to Consultations" section. In summary a total of circa. £1.74million has been requested as follows:

Primary Provision:

Penllergaer Primary:	£664,400.00 (Pupil generation: 44)
YGG Pontybrenin:	£90,600.00 (Pupil generation: 6)

Secondary Provision:

Pontarddulais Comp:	£715,232.00 (Pupil generation: 31)
YG Gwyr:	£ 92,288.00 (Pupil generation: 4)

Having reviewed the estimated capacity figures within these school at 2024, when pupils from the proposed development would potentially begin to impact upon local schools (given construction rates), there would be more than sufficient capacity within YGG Pontybrenin to accommodate the pupils from the development on the basis that it would have surplus capacity of approximately 35 pupils. As such a contribution is not considered to be justified for this school.

In relation to YG Gwyr, based on the projected capacity figures, in 2024 this school would have a projected capacity of -38 pupils. The capacity figures provided by Education do not take into account the increased capacity as a result of the 21st Century Schools project. However, Education's comments indicate that despite the increased capacity at YG Gwyr, the numbers on the school roll plus the pupils arising from existing commitments would be equal to its capacity. This indicates that a contribution to for YG Gwyr would be justified.

Both Penllergaer Primary and Pontarddulais Comprehensive English Medium schools would have very limited capacity, as such contribution requests would be justified for these schools, albeit at a reduced amount on the basis that they would have a surplus capacity of 2 and 3 pupils respectively. On this basis it is considered that a contribution of £634,200.00 would be justified for Penllergaer Primary and £646,000.00 for Pontarddulais Comprehensive.

In summary, based on the above, there is considered to be justification for financial contribution requests for Penllergaer Primary, Pontarddulais Comp and YG Gwyr. Through further discussions with the applicant, they have agreed to increase the Education contribution which, when pooled with the MUGA contribution (£108,799), would give a total financial contribution towards Education of £1,372,504. This would match the justified Education contribution.

Following confirmation of the increased Education contribution, the Education department have confirmed they would not object to the proposed development.

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Other Matters

The application has been accompanied by an Energy and Sustainability Assessment in line with the requirements set out within LDP Policy EU2 in order to investigate the potential to incorporate on-site zero and low carbon equipment and establish connections to existing sources of renewable energy. The Assessment sets out how selected energy efficiency and low carbon measures would be utilised to ensure that all house types across the site comply with the relevant building regulation and LDP Policies. The report notes there are no local energy networks present near the proposed site as such no connection is possible in this instance. The focus for the development is a 'fabric first' approach whereby the design and materials for the dwellings incorporate passive and active measure to reduce energy and carbon at source. The Assessment notes that the measures will combine to contribute to the performance and energy efficiency of the dwellings such that there will be significant carbon savings and passive reductions for the lifetime of the building. While the Assessment considers that renewable measures such as solar PVs may be suited to the development, the focus on the 'fabric first' approach and the cost of solar PVs has meant that they have been discounted for this development. However, this would not prevent their installation by householders following construction.

In terms of addressing the concerns raised from members of the public and the local councillor, matters relating to loss of green space, noise, trees, ecology, traffic, parking, health and local air quality, capacity of local schools, affordable housing, drainage and health risks from the mast, have all been addressed above within the report.

In relation to the impacts of the development upon local health services such as doctors, dentist and hospitals, it is acknowledged the proposals will potentially result in increased pressure on local services. However, despite the scale of the proposals, it is not considered the development would result in such an increase in pressure upon local health services that would justify a financial contribution to improve such services. It is noted that the masterplan for the development at Parc Mawr would include provision for D1 uses (which would include clinics and health centres). Through further dialogue with the health board at the appropriate time, should there be demand for enhanced or additional health services within the area, these services could potentially be delivered as part of a later phase within the Parc Mawr site.

Concerns have been raised in a letter of objection that if the properties are not sold the area would be left with a ghost town. This scenario is highly unlikely to occur and no doubt the applicant will have undertaken considerable market research in relation to housing demand in the area prior to committing to the development of the site.

In relation to the potential for the development to de-value surrounding properties, the broad role of the planning system is to manage the development and use of land in the public interest. It is not the role of the planning system to pitch the interests of one party against another, therefore this concern is afforded little weight. In this instance the proposed development is considered to be acceptable and as such would not have a detrimental impact upon the visual amenity of the area or the living conditions of existing residents. It follows that the proposal would be unlikely to result in a material negative impact upon surrounding property values.

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Cadw have been consulted as there are three scheduled ancient monuments within approximately 1.5 km of the site (Garn Goch Round Barrow, Penllergaer Orchideous House, and remains of Astronomical Observatory). While no response has been received from Cadw, their statutory pre-application response on the application offered no comment on the application. As such, by virtue of the distance of the development from the above monuments and the intervening landform, vegetation and buildings that screen the development from these monuments, it is not considered the proposed development would result in any material impacts upon these heritage assets.

Planning Obligations

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, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development 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).

The Planning Obligations associated with this development include:

- **Affordable Homes** 10% (17 units) as indicated on the Planning Layout (1898-URB-UD-90-001 Rev T) as:

Social Rented: 1x 58/59 1B Flat (4 units), 4x Olive, 1x Larch, 1x Beech.
Low Cost Home Ownership: 7 x Olive.

- **Education** - Total contribution of £1,372,504.00 (plus indexation) to the following schools:

Penllergaer Primary - £634,200
Pontarddulais Comprehensive - £646,016
YG Gwyr - £92,288

Trigger for payment: £370,500 to be paid prior to occupation of the 50th unit, with the full balance to be paid prior to occupation of the 100th unit.

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- **Community Benefit** - Commitment to Council's Beyond Bricks and Mortar scheme during construction.
- **Management and Monitoring fee** - £15,176

Conclusion

The proposal would result in the development of a site that was previously an allocated housing site within the UDP and is a housing commitment within the adopted LDP. The applicant has worked with officers to improve the design, layout, and green infrastructure provision, such that the development is now considered to accord with good placemaking principles as set out within LDP Policy PS2. The proposal has been reviewed by the LHA and is considered to be acceptable from a traffic and highway safety perspective. The viability of the site has been assessed by the LPA using an open book approach and this has demonstrated the scheme cannot be delivered while providing a policy compliant level of affordable housing. The impacts of the development upon affordable housing provision. When considering the overall planning balance, the ability of the scheme not to deliver a full policy compliant level of affordable housing would not be so determinative as to recommend refusal of the application for this reason when the policy allows for a reduction of affordable housing in light of viability.

A significant number of technical studies have been undertaken to address the topic specific national and local planning policies relevant to this development as set out above. Matters relating to ecology, noise, land stability, archaeology, contamination, drainage and Welsh language impacts have been fully considered within this report and are considered to be acceptable, subject to conditions, where necessary. A significant number of third party objections have been received, all material planning matters raised within these letters, and the comments received from Councillor Wendy Fitzgerald, have been fully addressed within the report.

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

RECOMMENDATION

That the application be APPROVED, subject to the applicant entering into a Section 106 Planning Obligation in respect of the contributions listed above and the conditions indicated below.

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If the Section 106 Planning Obligation is not completed within 6 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 PS1, PS2, SD1, SD2, IO1, H3, HC1, HC2, HC3, SI1, SI2, SI3, SI6, RC2, RC8, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, EU4, RP1, RP2, RP3, RP4, RP5, RP6 and RP7 of the Adopted 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:

Red Line Plan (drawing ref. no. 1898-URB-DT-90-011 Rev A), received 1st June 2021.
Hesketh Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-001 Rev B)
Alderney Housetype Sheet Brick (drawing ref. no. 1898-URB-EL-UD-XX-002A Rev B)
Alderney Housetype Sheet Render (drawing ref. no. 1898-URB-EL-UD-XX-002B Rev C)
Alderney Plot 1 (drawing ref. no. 1898-URB-EL-UD-XX-002C Rev D)
Kingsville Housetype Sheet Brick (drawing ref. no. 1898-URB-EL-UD-XX-007A Rev A)
Kingsville Housetype Sheet Render (drawing ref. no. 1898-URB-EL-UD-XX-007B Rev C)
Radleigh Brick Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-008A Rev C)
Radleigh Render Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-008B Rev A)
Beech Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-010)
Larch Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-011 Rev B)
Olive Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-012 Rev C)
Bewdley Housetype Sheet (drawing ref. no. 1898-URB-EL-UD-XX-013 Rev D)
Moresby Housetype Sheet Brick (drawing ref. no. 1898-URB-EL-UD-XX-014A Rev B)
Moresby Housetype Sheet Render (drawing ref. no. 1898-URB-EL-UD-XX-014B Rev B)
Ennerdale Housetype Sheet Brick (drawing ref. no. 1898-URB-EL-UD-XX-015A Rev C)
Ennerdale Housetype Sheet Render (drawing ref. no. 1898-URB-EL-UD-XX-015B Rev C)
Ellerton Housetype Sheet Brick (drawing ref. no. 1898-URB-EL-UD-XX-016A Rev C)
Ellerton Housetype Sheet Render (drawing ref. no. 1898-URB-EL-UD-XX-016B Rev B)
Housetype Brentford Render (drawing ref. no. 1898-URB-EL-UD-XX-019 Rev C)
Housetype Lutterworth Brick (drawing ref. no. 1898-URB-EL-UD-XX-020 Rev A)
Housetype Buchanan Brick (drawing ref. no. 1898-URB-EL-UD-XX-021A Rev A)
Housetype Buchanan Render (drawing ref. no. 1898-URB-EL-UD-XX-021B Rev A)
Housetype Buchanan Plot 166 Elevation (drawing ref. no. 1898-URB-EL-UD-XX-021B Rev A)
Housetype Hemsworth Brick (drawing ref. no. 1898-URB-EL-UD-XX-022 Rev A)
Housetype Roseberry Brick (drawing ref. no. 1898-URB-EL-UD-XX-023 Rev A)
Housetype Kennisham Brick (drawing ref. no. 1898-URB-EL-UD-XX-024 Rev A)
Housetype Matlock Brick (drawing ref. no. 1898-URB-EL-UD-XX-025 Rev B)
Housetype Type 58-59 Flats (drawing ref. no. 1898-URB-EL-UD-XX-026 Rev A)
On-Plot and Public Open Space Planting 1/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0301 Rev P03)
On-Plot and Public Open Space Planting 2/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0302 Rev P03)

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On-Plot and Public Open Space Planting 3/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0303 Rev P03)
On-Plot and Public Open Space Planting 5/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0305 Rev P03)
On-Plot and Public Open Space Planting 7/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0307 Rev P03)
On-Plot and Public Open Space Planting 8/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0308 Rev P03)
Bio-retention Planting 1/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0309 Rev. P03)
Bio-retention Planting 2/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0310 Rev. P03)
Bio-retention Planting 3/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0311 Rev. P03)
Bio-retention Planting 5/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0313 Rev. P03)
Bio-retention Planting 7/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0315 Rev. P03)
Bio-retention Planting 8/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0316 Rev. P03)
Street Elevations (drawing ref. no. 1898-URB-UD-90-100 Rev A)
Longitudinal Sections Sheet 1 (drawing ref. no. 10289-102-01 Rev T3)
Longitudinal Sections Sheet 2 (drawing ref. no. 10289-102-02 Rev T3)
Longitudinal Sections Sheet 3 (drawing ref. no. 10289-102-03 Rev T2)
Basin Sections Basin 1 (drawing ref. no. 10289-104-01 Rev T2)
Basin Sections Basin 2 (drawing ref. no. 10289-104-02 Rev T3)
Basin Sections Basin Detail (drawing ref. no. 10289-104-03 Rev T1)
SUDS details Sheet 1 (drawing ref. no. 10289-106-01 Rev T1)
SUDS details Sheet 2 (drawing ref. no. 10289-106-02 Rev T2)
LEAP Section T2 (drawing ref. no. 10289-108 Rev T2)
Visibility Layout 20mph (drawing ref. no. 10289-500-01 Rev B)
Visibility Layout 15mph (drawing ref. no. 10289-500-02 Rev B)
83 Mount Cres Tracking (drawing ref. no. 10289-503 Rev B)
Box Van Tracking (drawing ref. no. 10289-505 Rev B)
Plots 1 - 9 Sections P3 (drawing ref. no. 10289-600 Rev P3)
Plans and Elevation (drawing ref. no. BDW-SED-SS01 Rev A), received 25th April 2022.
Refuse Vehicle Tracking (drawing ref. no. 10289-501 Rev E)
Fire Tender Tracking (drawing ref. no. 10289-502 Rev E)
Driveway Tracking Tree Build-Outs (drawing ref. no. 10289-504 Rev C), received 26th May 2022
Housetype Matlock Brick Detached (drawing ref. no. 1898-URB-EL-UD-XX-025 Rev B)
Engineering Layout Sheet 1 (drawing ref. no. 10289-100-01 Rev T7)
Engineering Layout Sheet 2 (drawing ref. no. 10289-100-02 Rev T7)
Hardworks Plan (drawing ref. no. 1898-URB-XX-XX-DR-L-90-0401 Rev. P03)
Plant Schedule (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0317 Rev. P03)
Bio-retention Planting 4/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0312 Rev. P03)
Bio-retention Planting 6/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0314 Rev. P03)
On-Plot and Public Open Space Planting 4/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0304 Rev P03)
On-Plot and Public Open Space Planting 6/8 (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0306 Rev P03)
Amenity and Biodiversity Plan (drawing ref. no. 1898-URB-XX-XX-M2-L-90-0101 Rev P03)
Swift Box Placement Strategy (drawing ref. no. 1898-URB-UD-90-011 Rev B)
Boundary Treatments Strategy (drawing ref. no. 1898-URB-UD-90-003 Rev D)

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Car and Cycle Parking Strategy (drawing ref. no. 1898-URB-UD-90-004 Rev D)
Materials Finishes Strategy (drawing ref. no 1898-URB-UD-90-002 Rev E)
Planning Layout (drawing ref. no. 1898-URB-UD-90-001 Rev T), received 16th June 2022

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

- 3 No development shall commence (excluding excavation, site preparation and enabling works) until full details and/ or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include, but shall not be limited to, drawings of the following at an appropriate scale (1:2 to 1:20):
- Typical window and door units within their openings;
 - Bay window, entrance canopies, gable verges;
 - Rainwater goods, fascias and soffits; and
 - Uplift 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 in accordance with LDP Policy PS2.

- 4 Prior to the commencement of any development works the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
1. A site investigation scheme, based on the Geotechnical and Geoenvironmental Report (08/02/21-16300-ISSUE 1) prepared by Terrafirma, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. Based on 1, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a timescale for their implementation.

The scheme shall be implemented strictly in accordance with the approved details and timescales for their implementation.

Reason: In the interests of health and safety to address potential land contamination risks at the site in accordance with LDP Policy RP6.

- 5 Upon completion of any necessary remediation as required under condition 4, a verification report to demonstrate that the remediation works have been carried out to a satisfactory standard and remediation targets have been achieved, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling where the remediation works are required to facilitate the occupation of the approved plot.

Reason: In the interests of health and safety to address potential land contamination risks at the site in accordance with LDP Policy RP6.

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6 Prior to the commencement of any development or any vegetation clearance works a tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The approved tree protection measures shall be erected before any equipment, machinery or materials (for the purposes of the development) are brought onto the site, and shall thereafter be maintained as such until all equipment, machinery and surplus materials have been removed. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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 in accordance with LDP Policy ER11.

7 Prior to the commencement of development a written scheme for the management and mitigation of artificial external light emissions for both the construction phase and operational phase shall be submitted to and approved in writing by the local planning authority. The lighting plan shall have regard to the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildingsplanning-and-development/lighting>

The approved scheme for the management and mitigation of artificial external light emissions shall be implemented at all times in accordance with the approved details for the respective construction and operational phases.

Reason: To ensure dark corridors and habitats are retained across the site to protect bats, badgers, and other nocturnal species and to protect nearby habitats in accordance with LDP Policies ER8 and ER9.

8 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. The CEMP shall include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Identify any surrounding watercourses, including intermittent drainage from highways, that could run across the site. Clarify what measures, if any, could be implemented to ensure that water could be prevented from running across the site, so that it could carry on its journey without becoming contaminated from the construction activities.
- Propose measures to ensure how any water that could not be prevented from running across the site, would be protected from becoming contaminated with sediment.
- Propose how to manage water arising from the site, such as rainfall, in such a way that it does not become contaminated with sediment.

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- Propose measures which ensure how any water contaminated with sediment will be prevented from leaving the site before it is clean.
- Propose how any drains that have been laid are going to be protected from sediment laden water entering them.
- Biodiversity Management: details of tree and hedgerow protection; 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, hours of operation, duration and frequency of works; details of dust, dirt and noise control measures.
- 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: plant on site, wheel wash facilities, loading and unloading of plant and materials, parking of vehicles of site operatives and visitors.
- 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.
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Site compound details.

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

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to amenity impacts (highways and residential), pollution, contamination, water resources and ecology in accordance with LDP Policies PS2, RP1, RP2, RP3 and RP4.

9 Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover a minimum ten year period and shall include:

- 1) Measures for the establishment, enhancement and management of all habitats (existing and proposed) within the site, including planting schedules and details of ongoing management.
- 2) A programme and timetable for the implementation of the works and for subsequent management activities as well as a monitoring schedule for habitats and species, post completion. All measures and works shall be completed in accordance with the approved details and programme.

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3) Full details of ecological enhancements including, but not limited to, bat and bird boxes, hedgehog friendly fencing, reptile enhancements and timings for their implementation.

The LEMP shall thereafter be implemented in strict accordance with the approved details and timetables.

Reason: In the interests of providing, managing and maintaining the landscape and ecological features of the site in an appropriate manner in accordance with LDP Policies ER2, ER8 and ER9.

10 Notwithstanding the details indicated on the approved drawings, a full landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented within the first planting season following the completion of the development or the first beneficial use of the development commencing, whichever is the sooner. Any trees or plants which within a period of 10 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. The landscaping shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure the satisfactory long term landscaping, screening and biodiversity benefits for the development in accordance with LDP Policies ER2, ER8, ER9 and ER11.

11 Prior to the occupation of any dwelling hereby approved a scheme for the management and maintenance of all areas of formal and informal open spaces and play provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved for the lifetime of the development.

Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained in the interests of general amenity in accordance with LDP Policies PS2, SI6 and ER11.

12 Notwithstanding the details submitted to date, the open space/play provision and associated play equipment, trim trail equipment, bins and benches shall be implemented in accordance with full details which shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 50th dwelling on the site. The open space/play provision shall thereafter be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that play facilities are provided within the development to an appropriate standard and at the time the demand for them arises in accordance with LDP Policies SI6 and PS2.

13 No development shall take place until a surface water removal strategy delivering sufficient compensation for foul flows arising from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment in accordance with LDP Policy RP4.

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- 14 No development shall take place until a scheme for reinforcement works to the local public sewerage system, evidenced by a Hydraulic Modelling assessment, to accommodate the foul flows from the development, as required in consultation with DCWW, has been submitted to and approved in writing by the Local Planning Authority. Any necessary reinforcement works shall be fully implemented in accordance with the approved scheme prior to the occupation of any dwelling hereby approved and shall thereafter be retained as such for the duration of the development.
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 in accordance with LDP Policies EU4, RP4 and RP5.
- 15 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 or include a scheme to upgrade the existing public water supply network in order to accommodate the proposed dwellings. The approved scheme shall be carried out in full, prior to any of the dwellings hereby approved being occupied and shall be retained as such for the lifetime of the development.
Reason: To ensure the site is served by a suitable potable water supply in accordance with LDP Policy EU4.
- 16 Notwithstanding the details submitted with the application, the means of enclosing the boundaries of the site and individual curtilages shall be implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The boundaries shall be designed to retain habitat connectivity for species of principal importance such as hedgehogs. The boundary treatments and means of enclosure shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be retained as approved for the lifetime of the development.
Reason: To ensure the boundaries at the site are satisfactory in the interests of visual amenity and residential amenity in accordance with LDP Policy PS2.
- 17 Notwithstanding the details indicated on the approved plans, no development shall commence until full engineering, street lighting, surfacing, visibility splay and construction details of the access, 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 with the relevant infrastructure provided prior to the first beneficial occupation of any dwelling they serve.
Reason: In the interests of highway safety and placemaking in accordance with LDP Policies PS2, T1 and T5.
- 18 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 in accordance with LDP Policies T1 and T5.

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19 Notwithstanding the submitted Welsh Language Impact Assessment, no dwelling hereby approved shall be occupied 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 Penllergaer.

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 in accordance with LDP Policy HC3.

20 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 extensions, porches, buildings, hardstandings or other alterations shall be carried out unless expressly authorised by this permission.

Reason: 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 in accordance with LDP Policies PS2, RP4 and RP5.

21 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 or approved under Condition 16.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway safety in accordance with LDP Policies T1, T5 and PS2.

22 The car parking spaces and garages 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 thereafter.

Reason: To reduce the likelihood of obstruction of the highway or danger to road users in accordance with LDP Policies T1, T5 and T6.

23 The development shall be implemented in accordance with the recommendations within the Reptile Survey Note (edp 7009_r001) and specifically the mitigation measures outlined in Section 4.

Reason: To ensure the works are undertaken in a sensitive manner to minimise the impact upon reptiles in the local area in accordance with LDP Policies ER9 and ER9.

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- 24 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. The development shall thereafter be implemented in accordance with the approved strategy.
Reason: In the interests of health and safety to address potential land contamination risks at the site in accordance with LDP Policy RP6.

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 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

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, SD2, IO1, IO2, H1, H2, HC1, HC2, HC3, SI3, SI6, SI8, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, EU4, RP1, RP2, RP4, RP5, RP6 and RP7.

- 2 Dormice may be present. Dormice are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960 or 0300 065 3000 or contact the species team by email on trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)

- 3 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.
- 4 All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs, and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

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- 5 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 6 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.

- 7 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk).

- 8 Reptiles may be present. The development site shall be kept unsuitable for reptiles by keeping the ground free of vegetation until construction is complete. Should large numbers (> 10) of individuals of a reptile species be encountered, or if reptiles are repeatedly encountered after site clearance, then further mitigation (such as fencing), may be required. The LPA or NRW should be contacted for further advice.

All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, grass snake, 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 or 0300 065 3000 or contact the species team by email on trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk).

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- 9 Pre-construction checks for protected species including bats, badger and nesting birds shall be undertaken by a suitably qualified ecologist. If evidence of any of these species is found, all works must stop and NRW contacted for advice.
- 10 All access works, relating to the highway Mount Crescent, 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.

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

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

- 11 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 form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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.

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If any 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/government/organisations/the-coal-authority

- 12 The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:
<https://www.water.org.uk/guidance/nationalguidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>
 - 13 The applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).
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Item 2

Application Number:

2020/2629/FUL

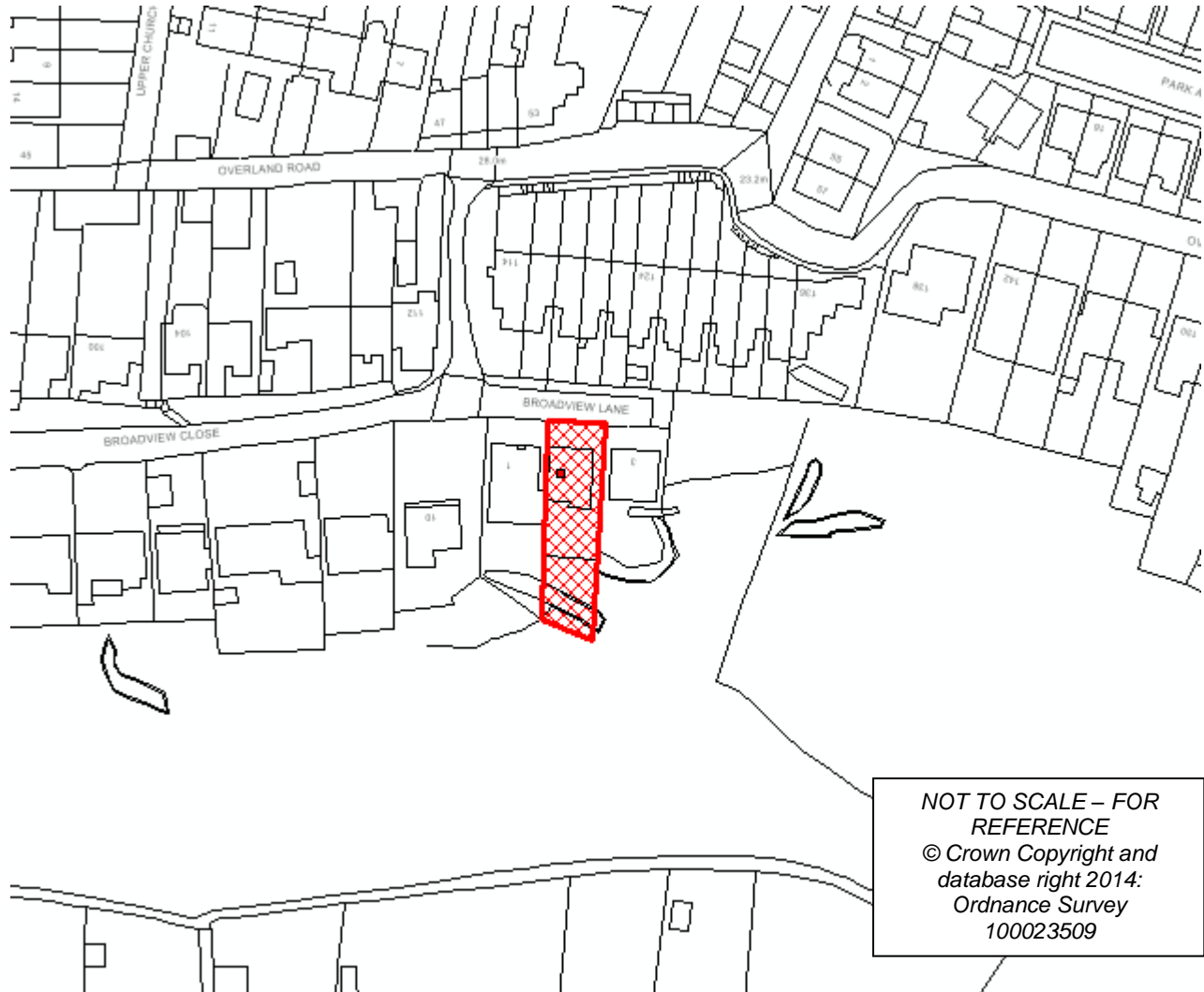
Ward:

Mumbles - Area 2

Location: 2 Broadview Lane, Mumbles, Swansea, SA3 4LN

Proposal: Demolition of existing dwelling and construction of a 4 storey block containing 3 flats

Applicant: Mr Alex O'Brien



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Item 2 (Cont'd)

Application Number:

2020/2629/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2020/1821/PRE	PRE APP - Increase in ridge height to facilitate further living accommodation in the roof space, conversion and extension of ground floor with addition of bi-folding doors to access existing balconies	WDN	06.10.2020
2021/1705/CAC	Demolition of existing residential dwelling and associated front boundary retaining wall (application for Conservation Area Consent)	PCO	
90/0279/10	TO POLLARD TREES.	APP	15.03.1990
2013/0126	To fell two elm trees and lop one elm tree, one sycamore tree, and mixed broad leaf trees covered by TPO 019	APP	19.03.2013
2004/0959	Construction of 2.5 metre high retaining wall and hardstanding area to front of dwelling	APP	18.06.2004

Background

This application is being presented to the Planning Committee for determination, as it was 'called in' by former Ward Councillor Myles Langstone and the required threshold of objections received was also met.

Since the application was originally received there have been a number of revised sets of plans received. This report considers the final set of submitted plans.

The proposal necessitates the demolition of the existing dwelling, which needs separate Conservation Area consent. A separate Conservation Area application is currently under consideration (2021/1705/CAC).

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Item 2 (Cont'd)

Application Number:

2020/2629/FUL

Site Location

The application site forms lies within the urban area of Mumbles and the Mumbles Conservation Area. The site address is: 2 Broadview Lane, Mumbles.

Planning History

There is no planning history of relevance to the determination of this application.

Description of Development

Demolition of existing dwelling and construction of a 4 storey building containing 3 flats.

Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

Swansea Local Development Plan (2010-2025)

The following policies are considered to be of relevance to the determination of this application.

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

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

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

ER 9 - Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

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

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

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

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.

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.

RP 2 (2A) - 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.

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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.

Supplementary Planning Guidance:

The Supplementary Planning Guidance (SPG): 'Placemaking Guidance for Infill and Backland Development' provides further information and guidance to clarify the policy aims of LDP Policy PS 2. The SPG was formally adopted by the Council in October 2021, which followed a period of public consultation and stakeholder engagement that informed the content of the document.

The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP. Finally the SPG 'Development and Biodiversity' was adopted February 2021, and expands upon Policies ER 2, ER 8 and ER 9.

Response to Consultation Exercise

A number of revised plans were received and amended proposals, the following represents the final comments of the consultees.

Head of Transportation and Engineering

The proposed development has been reduced from four flats to three one bedroom units.

The current use at the site is as a single 3 bedroomed dwelling with frontage parking outside the curtilage. One bedroom is in the basement and two are on ground floor.

Broadview Lane is unadopted and vehicular access is gained to it off Broadview Close, which is accessed off Overland Road. Broadview Close in particular is steeply sloping with no separate pedestrian provision. Thus pedestrians are forced to share the narrow steep carriageway with vehicles. Broadview Close again is unadopted.

Whilst the site could possibly be considered to be located in an accessible sustainable location, the nature of the roads leading to the site and lack of segregated pedestrian provision are such that the development is likely to be over-reliant on private car use, contrary to the aims of Planning Policy. In addition the gradients are such that pedestrian/cycle/public transport modes are unlikely to be preferred options.

The plans now indicate a ground floor parking layout consisting of 5 parking spaces of which four are arranged in two sets of two tandem spaces (for flats 2 and 3 with EV charge facilities), and a further single space outside the building located on the frontage for flat 1. The parking provision for flats 2 and 3 exceeds the requirements in terms of the adopted parking standards.

The revised layout does allow pedestrian access to the entrance lobby. Bike storage is now shown within the garages and also in a room located on the ground floor with communal access. That room is cramped (it measures 1.6m by 2.6m) and would be unlikely to accommodate sufficient waste storage and bike storage that is accessible and useable to all residents. The bike storage in the garage is unlikely to be useable if cars were parked in there.

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Given the over provision of car parking for flats 2 and 3, I suggest that one of the rear parking spaces is removed to provide bin storage/cycle storage within the building.

The road fronting the site is narrow however swept paths have been provided to demonstrate that vehicles can access the parking spaces, as would be required. Whilst there is limited pedestrian visibility available the location of the site at the end of a private cul de sac is such that both vehicular movements and speeds will be low.

Whilst the comments made above, and observations made on previous iterations of the proposed development are valid in terms of access to the site, it is important to note that there is an existing dwelling that does not benefit from any car parking within the curtilage. Whilst there is an increase in numbers of units from one to three the actual bedroom numbers are unchanged. No car parking is currently available and following the development, a minimum of 4 spaces will be available. Given that there is an increase in car parking provision to mitigate for the additional flats together with the fact that the overall bedroom numbers are unchanged, then I do not consider that a highways recommendation for refusal on highway safety grounds could be sustained at appeal.

On balance I recommend that no highways objections are raised to the proposal subject to:

1. Notwithstanding the submitted plans, the submission of a revised proposed ground floor layout to the LPA showing one of the rear parking spaces being replaced by adequate accessible waste storage and cycle storage facilities. This revised approved layout to be laid out prior to beneficial occupation, and maintained as such thereafter.
2. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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Welsh Water

Further to our most recent consultation response (Ref: PLA0062022) to this application, we maintain there is currently no agreement to communicate surface water flows to the public sewerage system, as we await receipt of corroborating evidence into the existing drainage arrangements of the site

Accordingly, whilst the applicants continue their investigations into the existing drainage arrangements of the site, as previous we request inclusion of the following Condition and Advisory Notes, if minded to grant planning permission, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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

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.

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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.

Drainage Officer

We have previously advised the following but have not yet received a full SAB application along with detailed construction level drawings as required by the assessment process.

We note the SAB design report which attempts to provide a compliant design full assessment will be undertaken via the SuDS Approval route. Accordingly we remove our objection to the application and apply the following advice.

Schedule 3, Flood and Water Management Act 2010.

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

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

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

Which legislation are we referring to?

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

What exactly is a SAB?

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

The SAB is established to:

- 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).

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- 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 Sub.Applications@swansea.gov.uk

Ecology Officer

Previous comments still apply. Note the new proposed inclusion of a roof garden. A full landscaping scheme should be conditioned with any permission. It should be planted/seeded with native species to provide benefit to local biodiversity.

Previous Comments:

Bats

No direct evidence of bat use was identified. However, the survey report states that despite a negative survey, bats may still be present.

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 birds

No evidence of nesting birds was identified.

Please include the following informative:

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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.

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:

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/>

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.

Lighting Strategy

Condition:

As per recommendations contained within Sections 5.1.2 and 5.1.3 of the Bat Report, a sensitive lighting strategy shall be submitted to the LPA for approval prior to commencement of development.

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The strategy shall outline avoidance of impacts of lighting on bats and other nocturnal species, and 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).

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.

Montbretia (*Crococsmia x crocosmiiflora*) is evident in the photos shown in the Planning Statement & DAS.

Condition:

As montbretia is present, 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

Condition:

As per the Biodiversity Statement, ecological enhancements shall be provided in the form of:

3no. bat boxes and 3no. bird boxes.

The location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval prior to commencement of development. The Ecological Enhancement Measures shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Informative:

WoodCrete or WoodStone bat and bird boxes are preferred over wood because they are much more durable. They should be placed high under the eaves to provide shelter. Bat boxes are best placed on southerly aspects, while bird boxes are best placed on northerly aspects. It is also preferable to provide a range of boxes in order to provide a variety of habitats. Bird boxes should be selected that are suitable for species whose populations are declining, for example swifts, starlings and house sparrows.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Placemaking and Heritage Lead

i Initial Substantive Comments - 10/05/21

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Overview

Amended drawings have been submitted for the demolition of an existing detached dwelling and the construction of a residential development comprising 3no. 2 bed flats over first - third floors with parking at ground floor level.

Placemaking and Green Infrastructure (GI)

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

The requirement for a strategic placemaking approach to decision making is set out in Future Wales Policy 2, which sets out the principles to be followed to ensure development positively contributes towards building sustainable places that help support well-being objectives, with opportunities taken to ensure that GI is fully integrated into development schemes wherever possible. Annex A of this response provides further details on the policy and its stated requirements. Similarly, placemaking and GI is central to the Swansea LDP, as emphasised in Policies PS 2 and ER 2. These state that all proposals should be assessed having regard to these key principles, and should enhance the County's GI network. Policy PS2 also emphasises that development should enhance the quality of places and spaces, and respond positively to the aspects of local context and character that contribute towards a sense of place. The policy states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.

With regard to this need to address key placemaking principles, including the integration and delivery of multi-functional GI, it is necessary for the Delegated/Committee Report on this application to set out whether the policy requirements have been met in this regard. In terms of GI, this means highlighting whether appropriate opportunities to retain existing GI networks, or plugging identified gaps in the network have been explored at all relevant scales of the development.

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

These comments address amendments made to the scheme since the Placemaking comments provided in March 2021, and prior to this, in January 2021.

Preceding comments acknowledged that there is no in principle objection to the demolition of the existing dwelling, however any redevelopment will need to be fully justified in a supporting Design and Access Statement. A DAS has now been submitted and the content noted. However, to my knowledge, no CAC application has been submitted?

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The revised drawings show the scale, bulk and massing of the proposal has been reduced, as has the overall height to provide a more proportionate addition to the streetscene which is now viewed to sit comfortably between neighbouring plots, with a gradual 'stepping' in building heights from no.3 to no.1 Broadview Lane. This approach is welcomed.

The flat roof has been omitted and replaced with a pitched roof and front gable projection that takes cues from, and reflects the form of, adjacent properties, and hereby represents a more contextual design approach for the site. The submitted DAS provides justification for the design evolution and how the current proposal has been reached.

As noted in previous comments, new development should 'fit in' but not necessarily replicate the context, for example there may be scope to incorporate various features of adjacent buildings, hereby responding to local character and context, but in a more contemporary manner. To this regard, the combination of contextual features (i.e. front gable features) and more contemporary style/materiality, along with the revised solid-to-void ratio now provides a contemporary development which is considered to enhance the character and appearance of the streetscene and wider Mumbles Conservation Area.

Appropriate conditions should be included on any consent to control external materials (composite sample panel), large scale drawings of window details, eaves/ roof edges and interface with walling materials below.

Query is raised however in relation to the revised building line. This has been shifted forwards towards Broadview Close, disrupting the established building of no's 1-3. The building line should follow that of adjoining plots.

Cycle and bin storage needs to be included on the floorplans.

The case officer should make a full assessment of any impacts on residential amenity.

In relation to the requirement to give due consideration of Green Infrastructure measures, no information has been submitted to address potential opportunities to include GI measures proportionate to the scheme. The submitted roof plans show a section of flat roof which could include a green roof? This would assist in meeting the GI requirements at the site.

Likewise, no information has been submitted to address SuDS requirements at the site and the Council's Drainage Officer has objected accordingly. This information is required upfront.

To reiterate, consideration needs to be given to the integration of appropriate plot scale GI / SuDS features, i.e. raingardens / retained and/or improved hedgerow and landscaping/green roof. Notably the site backs onto Mumbles wooded cliffside which is covered by an expansive TPO (Old Woods) and SINC (Underhill woods east) and subsequently ecological connectivity should be fully explored.

Biodiversity Enhancement

Complementary to the requirements for GI considerations, the Development Plan places significant emphasis on the use of innovative, nature based solutions to site planning and design of the built environment, and specifically highlights these as key elements for successful placemaking.

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The Council also has a legal duty under Part 1, Section 6 of the Environment (Wales) Act 2016 ('the S6 duty') to seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. At the local level, this is embedded within the Local Well Being Plan and the Council's corporate priorities.

Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets. This policy requirement is supported by the guidance in PPW that sets out the requirement for a 'stepwise approach' to considering biodiversity in the planning process and securing overall enhancement. PPW emphasises development should consider the significant opportunities provided by nature based solutions to maintaining and enhancing GI. By taking this approach, development proposals can contribute to the "Resilient Wales" Goal of the Well Being of Future Generations (WBFG) Act 2015, and assist in meeting the relevant requirements of the SUDs guidance and legislation. It is critical therefore that proposals are assessed against Future Wales Policy 9, and having regard to the key placemaking, design and GI principles set out in Swansea LDP Policies PS 2 and ER 2 in all cases, and where relevant Policies ER6, ER8, ER 9 and ER11.

The Council has adopted SPG entitled Biodiversity and Development, which sets out how the LPA applies the PPW required 'Stepwise approach' at the local level, and also identifies specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals (see further details at Annex B of this response).

The Delegated/Committee Report for this application should set out whether a stepwise process has been followed, and confirm whether appropriate enhancement is proposed to deliver biodiversity net benefit, ecosystem resilience and an integrated network of GI. This will enable the Council to demonstrate appropriate compliance with the relevant legislation and policy.

Having regard for the nature of the proposals and having reviewed the documents submitted for this application, I would make the following highlights specific comments regarding biodiversity enhancement:

Specific measures are set out in the Biodiversity and Development SPG (at Appendix 3) that minor applications could potentially provide to enhance biodiversity and ecosystem resilience, depending on the nature of the proposals. Given the nature of the proposals in this case, there would appear a reasonable opportunity to implement a proportionate enhancement measure, however ultimately it is for the Delegated/Committee Report to set out whether any such enhancements are considered appropriate or feasible, and to confirm how the delivery of these can be appropriately secured. Chapters 3 and 4, and Appendix 4 of the SPG provide further guidance regarding securing enhancements on minor proposals.

There is likely to be scope to connect into wider ecological corridors, there are TPO woods and the Underhill woods east SINC directly to the rear of the application site.

Socio-Economic Duty

The Council has a legal duty to consider how its decision making might help reduce the inequalities associated with socio-economic disadvantage, in particular its key decisions that affect how the Council fulfils its statutory requirements.

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The overall aim of the duty is to deliver better outcomes for those who experience socio economic disadvantage. One of the ways in which decision making on planning proposals can address the socio-economic duty is to consider how proposals contribute to the seven Goals of the Well Being of Future Generations (WBFG) Act 2015, including securing 'A Prosperous Wales', a 'More Equal Wales' and 'A Wales of Cohesive Communities'.

Further Comments - 18/10/21

The following comments address amendments made to the scheme since previous Placemaking comments were provided in January, March and May 2021.

The site lies within the Mumbles Conservation Area and the CA 'preserve or enhance' test applies.

A Conservation Area Consent application has been submitted which is supported by a Heritage Impact Statement. This has been produced with regards to CADW's document 'Heritage Impacts Assessment in Wales'. The document concludes that the demolition of the existing building is acceptable in principle, subject to an appropriate replacement scheme that meets the preserve or enhance test. In this instance the 'enhance' test is applicable. The existing building is highlighted as a 'negative building' in the Mumbles CA SPG, and the assessment and conclusion of the HIA are supported.

A revised DAS has been submitted which seeks to address concerns raised in preceding comments and provides justification for the design evolution.

The scale, bulk and massing of the proposal remains unchanged. No further comment is required to this regard.

The ground floor of the building has however been reconfigured, with the previous undercroft parking omitted and an additional lower ground floor, 1 bed flat added. The flat isn't ideal as it is single aspect, however it does benefit from expansive full height glazing to the frontage and appears to have direct access onto a screened front garden/courtyard area? The case officer should check internal space standards, for all proposed flats, and where these are not met this should be explained in the DAS.

Query was previously raised to the building line which projects further forward than that of adjoining plots, no's 1 and 3 Broadview Lane. The proposed site plan is deceiving as this annotates the front raised terrace at no. 3 rather than the actual building line of the dwelling. The case officer should check this point.

Cycle and bin storage is now annotated on the floorplans.

As highlighted in earlier comments, conditions will be required to control external materials (composite material panel), large scale drawings of window details, eaves/roof edge and interface with walling materials below.

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Has any information on potential opportunities to include GI measures, proportionate to the scheme, been submitted? A green roof, that meets the GRO code, could be included, for example.

Likewise, what has been submitted/agreed in relation to SuDS? This information is required upfront.

To reiterate, consideration needs to be given to the integration of appropriate plot scale GI/SuDS features. The site backs onto Mumbles wooded cliffside which is covered by an expansive TPO (Old Woods) and SINC (Underhill woods east) and subsequently ecological connectivity should be fully explored.

Further Comments - 10/12/21

The previous Placemaking and Heritage comments dated 18th October 2021 highlighted that the scale, form, massing and design was now acceptable within the conservation area, but questioned the building line and GI/ SUDs. This was in relation to the proposal for 3 flats with parking within the ground floor structure.

The amended proposal now includes GI and SUDs information which is for other officers to comment on. Plus a corresponding Conservation Area Consent (CAC) application has now been submitted.

It is noted that the proposals have now been amended to incorporate an additional flat at ground floor level with four frontage parking spaces.

Whilst this is welcomed to provide an active ground floor active frontage, this has create four significant issues:

- The additional 1 bed ground floor flat as a floor area of 47sqm which is below the minimum space standards (50sqm) set out in the adopted Placemaking Guidance for Infill and Backland Developments.
- The frontage parking is directly in front of the windows to the ground floor flat which will result in significant disturbance and detract from well being of the occupants.
- The frontage parking blocks access to the communal entrance.
- The parking dominated the frontage and detracts from the streetscene.

Therefore the amended proposed is contrary to LDP Policy PS2 and refusal is recommended on placemaking grounds. The corresponding CAC application should also be refused on the basis that the replacement proposals are now unacceptable.

Further Comments - 11/03/22

The latest plans have omitted the ground floor flat which removes the concern regarding impact on residential amenity from the car parking arrangement. However the issue still remains of the car dominated frontage. One parking space crowds the main pedestrian entrance and there is a complete lack of green infrastructure planning on the frontage. Whilst other properties in the area have frontage parking, this does not fill the full width of the plot and there is existing planting to break up the parked cars and provide softening.

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Furthermore the bin storage and cycle parking is unresolved, this is currently shown cluttering the frontage. This should either be within the building or in an enclosed structure.

The adopted Placemaking Guidance for Infill and Backland Developments SPG is relevant to this application. This states:

4.27 Private side driveways are favoured over frontage parking as this reduces the visual impact of cars in the streetscene. However, where appropriate frontage parking is proposed this should not disrupt the building line, should not compromise the incorporation of green infrastructure and should not dominate the streetscene."

Therefore the proposal is considered to contrary to the adopted SPG and unacceptable for the above reasons.

Final Comments - 14/04/2022

The latest plans dated 14th April on the system propose reinforced grass parking area and areas for planting.

Whilst this amendment is seeking to address the concern about green infrastructure and SUDs, the planting area needs protected to ensure informal parking over the planting does not occur.

The amendment still does not address the concern regarding the frontage parking space crowding the entrance. The path shown should be at least the same width as the internal corridor which will reduce the planting area.

Whilst the plan now annotates an internal bike and bin storage area, it is not clear if this area is of sufficient size to accommodate the required refuse storage plus bikes.

Given the protracted negotiations on a live planning application that is failing to address the issues despite numerous opportunities, has the time come to refuse this application?

Response to Publicity Exercise

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters. Re-consultation letters were sent when major amendments to the proposals were received; the letters were sent to all neighbours bordering the site including previous objectors, with the final consults sent on 24th March 2022.

Site Notices were also placed within the vicinity of the site, with the final ones placed on 4th March 2022. The application was also initially advertised in the local press on 4th January 2021.

In total 92 objections were received. The main points of objection are summarised below:

- Negative impact upon the conservation area
- Overdevelopment of the plot
- Out-of-keeping with the local area
- Highway safety concerns over narrow lane and lack of pavement

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- Negative visual impact
- Doesn't follow Council guidance, such as that set out in the conservation area review
- Negative impact on wider views
- Inappropriate parking and access
- Nature of flats is out-of-keeping with the character of the area
- Negative impact upon neighbours in regards to negative overbearing and overshadowing impacts
- Proximity of building would prevent access to neighbours for maintenance
- Overlooking
- Drainage concerns over water run-off
- Building on neighbouring boundary wall and removal of shared access steps
- Obstruction during construction works
- Noise and disturbance
- Potential use of the property as holiday lets
- Potential damage from excavation works
- Negative impact on local ecology
- Lack of detail on plans
- Impact on Human Right to peaceful enjoyment of neighbouring properties
- The proposal states incorrectly that it has a parking space on the road and that it is served by a private, rather than un-adopted road
- Site does not in-keep with building line
- Lack of disabled parking and access
- No visitor parking
- The potential the flats could be converted to two bedroom flats
- The telephone pole would need to be moved
- One parking space on the neighbouring property
- Turning area inaccurate
- Inaccurate plans

A petition of objection containing 54 signatures was also received. The main reasons for objection are summarised below:

- Negative impact upon the conservation area
- Overdevelopment of the plot
- Out-of-keeping with the local area
- Negative visual impact
- Negative impact upon neighbours in regards to negative overbearing and overshadowing impacts
- Highway safety concerns over narrow lane and lack of parking
- No disabled access
- Insufficient turning for cars
- Lack of compliance with Placemaking principles
- Potential use as holiday accommodation
- The proposal as a car free development is not likely and will instead create an unacceptable demand for on street parking

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Mumbles Community Council

Mumbles Community Council objects to the proposal on the grounds that the flats are out-of-keeping with the local area, have a negative impact on the conservation area, highway safety and lack of parking, and lack of compliance with Swansea Council's Design Guidance.

The Gower Society

The Gower Society objects to the proposal in support of comments raised by Mumbles Community Council including the poor access and lack of adequate parking.

APPRAISAL

Main Issues

In view of the above mentioned policy context, the key issues to consider in this planning application relate to the principle of the construction of residential flats in this location, the impact upon the visual amenities of the area (including the impact on the character and appearance of the Conservation Area) and the impact upon the residential amenities of neighbouring occupiers and the future occupiers of the flats. Issues relating to parking, highway safety, drainage and ecology are also considered. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Use

The application site is positioned within the defined urban area and currently contains a dwellinghouse. The immediate local area is predominantly comprised of detached and terraced residential dwellings. Within the wider area, there are flats within new and converted buildings, as well as commercial units including retail, restaurants, bars and takeaways. Whilst the immediate area is predominantly comprised of single dwellings, in planning terms, the proposals still seek consent for a form of residential development.

Given the existing residential use of the site and the context described above, the principle of providing three residential flats in this location is considered acceptable and in-keeping with the residential use of the area. This is subject to the development having an acceptable impact in other material planning considerations, including visual amenity, residential amenity and highway safety.

Visual Amenity

The application site lies within the Mumbles Conservation Area. The proposed development must therefore 'preserve or enhance' the character of the Conservation Area. The site is positioned on a hill with a cliff face to the rear, affording it a prominent position with visibility from distant vantages. The existing dwelling is a rather modest split-level detached dwelling on a raised position to the street, with a raised terraced rear garden. It is considered that the existing building itself is of little architectural merit and does not have a strong positive impact on the visual character of the local area. To either side of the existing building are detached dwellings; one is a large detached three storey dwelling whilst the other is a more modest split level dwelling, with a similar ridge height to the application property.

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The proposal involves the removal of the existing dwelling and the construction of a relatively large four storey building, which will include the lowering of the site to road level, as well as some excavation works to the rear. It is considered that the proposed building represent a fairly modern approach with a high degree of glazing to the front elevation with upper floor balconies. The building has a mostly pitched roof when viewed from the front elevation, with part of the rear/side roof area being of a flat roof, with a stair rooflight and green roof. The building will respect the existing building line. The ridge height of the proposed building will be set-down from No.1 Broadview Lane and set-up from No.3 Broadview Lane, in a staggered approach. However whilst the ridge height of the building will not exceed that of No.1, it is noted that the eaves level of the proposed dwelling will exceed the eaves height of No 1. Furthermore the scale and four storey form of the building does not respect the scale and form of the two neighbouring dwellings, both of which are three storey buildings. For these reasons, the proposed dwelling does not satisfactorily integrate with the two neighbouring dwellings, to the detriment of the visual amenities of the streetscene and wider Conservation Area.

In terms of its detailed design, it is not considered that this bulky block of flats with balconies, would be in-keeping with the character of the area. The pitched roof has a low eaves to ridge height ratio, giving the roof a squat appearance, particularly compared to the more traditional roof forms of the neighbouring dwellings. The flat roof elements of the proposed building also at odds with the character of the local area. It is noted that whilst the site does form part of the designated conservation area, the immediate streetscene lacks architectural consistency or character. However the scale of the building far exceeds that of the nearby properties and would be an overly dominant and discordant development, to the detriment of the character of the local area.

The application has provided a number of revisions to the scheme, which were undertaken to overcome concerns raised by the Council's Placemaking and Heritage Lead. It is noted that the Placemaking and Heritage Lead now considers that the proposal is now broadly acceptable in terms of its visual impact, subject to the increase of vegetation to the front amenity area and the removal of any parking spaces external to the building. However, the comments of the Placemaking and Heritage Lead are not agreed with. In this instance, it is not agreed that the scale, design and appearance of the development is acceptable, for the reasons set out above. With respect to the Placemaking and Heritage Lead's concerns over the front amenity area, it is not considered that front parking or the level of landscaping proposed is significantly harmful, particularly given that the immediate neighbours already have front hardstandings for parking.

In summary, it is considered that the scale, design and appearance of the proposed building, would have an unacceptable impact on the visual character of the streetscene and would fail to pass the test to preserve and/or enhance the conservation area. The proposal therefore fails to comply with the aims of Policies PS2, HC1 or HC2 of the Swansea LDP and the Council's Placemaking Guidance for Infill and Backland Development.

Residential Impact

The site is bordered on either side by Nos.1 and 3 Broadview Lane, with no neighbours to the rear and a road to the front.

The proposal is considered to have an unacceptable overbearing and overshadowing impact upon the occupants of No.1.

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The scale and proximity of the proposed dwelling to No 1 is such, that it will be physically imposing upon the rear amenity space of this neighbouring property. It is noted that the rear amenity space of No 1 is already impacted by the surrounding topography and trees, and has a relatively small useable area. However this would not justify the proposed increased impacts. It is also noted that the proposed building would potentially impact the nearest rear window of No.1, although the neighbour indicated that this window serves an open plan space and is served by other windows, and therefore the impact would not be unacceptable. However this property does have a side primary bedroom window which faces the application site. Whilst this window is already impacted by the existing dwelling, the proposed building would significantly increase the level of overshadowing on this window to an unacceptable degree.

Turning to No.3. Whilst it is noted that the kitchen rooflights to this property will be impacted by the proposal, this room is also served by a front facing window. It is not considered that the front facing window would be unacceptably impacted in planning terms and therefore there would not be a harmful overshadowing impact. In terms of overbearance, it is considered that the scale and siting of the building would have an unacceptable impact upon the rear amenity space of No 3.

In regard to overlooking, there are no habitable room windows to the side elevations and any side windows will be obscurely glazed, including a 1.8m screen to the side of the front elevations. On that basis it is not considered that there would be any unacceptable overlooking impacts on the immediate neighbours. It is noted that the neighbours opposite the site have raised concerns in regard to overlooking. However, not only are these properties already overlooked by the existing building and its neighbours, but it is physically separated from the application site by a highway. On that basis it is not considered that there would be any unacceptable overlooking impact.

It is noted that the increase in the number of residential units will increase the level of noise and disturbance, through comings and goings. However given the residential nature of the proposed use, it is not considered that this would be at level that would warrant refusal of the application.

In regard to the amenity of future occupants of the flats, it is noted that the proposed flats have an internal floor area measuring approximately 90sqm with a 6sqm dressing room. Occupants of the flats will also have access to an external balcony area and all habitable spaces are served by windows providing adequate outlook and natural lighting. On that basis it is considered that the flats will provide an acceptable standard of accommodation for future occupants.

It is therefore considered that the proposal will have an unacceptable impact upon the residential amenities of the occupiers of both neighbouring properties and therefore fails to comply with LDP Policy PS2 and the Council's Placemaking Guidance for Infill and Backland Development.

Highway Safety/Active Travel

The application site is immediately served by a short road, which the applicant claims is a private road. However this has been disputed by neighbours who state that it is un-adopted but not privately owned. In any event this issue is not considered to materially impact the determination of the application or the consideration of highway safety issues.

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The existing site contains a three bedroom dwelling with no parking facilities. It is also noted that the property and its neighbours along the street are served by a narrow and steep lane.

The Council's Parking Standards SPG advises that residential accommodation should be provided with one parking space per bedroom, up to a maximum of three spaces, with an additional space for visitors per 5 units. On that basis, there is currently a demand for 3 parking spaces, with none provided. Whilst the three 1 bedroom flats would technically create the same level of demand, it is noted that the Council's Parking SPG requires that individual properties should have a minimum of one space. The site is arguably in a fairly sustainable location, close to a shopping centre and other facilities. However this is discounted somewhat by the fact that the property is close to the top of steep hill, and it is likely that car travel would be relied upon, particularly for shopping trips.

In summary, it is considered that the minimum requirement for the proposed flats is 3 parking spaces, and arguably an additional visitor space. The application includes 5 parking spaces, of which two are tandem spaces. It is considered that the proposed parking spaces generally meet the requirements for parking demand. Whilst there is no visitor space being provided, this must be weighed against the absence of any spaces serving the current dwelling. On this basis it is considered that the proposal will provide a satisfactory amount of parking.

It is noted that the access road leading to Broadview is narrow, however this is an existing highway that serves multiple dwellings. The applicant has also provided a 'swept path analysis' to show that access from the proposed parking spaces can be achieved. Whilst the objections to the information provided is noted, the Head of Transportation and Engineering have assessed all of the information provided and has raised no objections to the proposal, subject to condition.

Ecology

The supporting ecological survey found no evidence of bats on site and the proposal does include a proposed green roof to provide green /ecological enhancement, in accordance with LDP Policy ER9. The Council's Ecologist has not raised any objections to the proposal, subject to conditions. Consequently, the proposal is considered to have an acceptable impact on ecological interests

Drainage

The Council's Drainage Officer has raised no objection to the proposal, and advises that a SAB application is required, which is a separate consent that will need to be obtained, outside of the planning application process. Welsh Water have also raised no objection and the submitted drawings indicate that the front hardstanding area will be permeable. On that basis the proposal is not considered to result in any unacceptable drainage impacts.

Response to Neighbour Objections

The objections in regard to impact upon the visual amenities of the area, the impact on the conservation area, parking, highway safety, access, residential amenity, Human Rights Access, drainage, ecology and lack of compliance with Council's policies and guidance has been addressed above. In respect of the objections relating to the accuracy of the plans and lack of detail, the submission is considered to be adequate for determination.

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In respect to the potential damage to neighbouring properties and obstruction of access during construction works, these are not material planning matters but are otherwise controlled by separate legislation or are a civil matter. Matters relating to access to the neighbouring property for maintenance and any construction on the party wall or shared pedestrian access are also civil matters. It is noted that the flats are not necessarily accessible for wheelchair users, however for a relatively small residential development such as this, this is not a material consideration and may be controlled by separate legislation.

It has also been subjected that the flats may be used as holiday lets or the number of bedrooms may be increased at a future date. However, the Local Planning Authority can only consider the application as presented to it.

Conclusions

In conclusion it is considered that the proposal represents an unacceptable form of development. Whilst it can be regarded that the principle of residential flats in this location would be acceptable, the scale, design and external appearance of the proposed dwelling would be out-of-keeping with the character of the local area and fail to preserve or enhance the character of the Mumbles Conservation Area. Furthermore the proposal will result in an unacceptable overshadowing and overbearing impact on the residential amenities of neighbouring occupiers. Therefore it is considered that the development is contrary to the requirements of Policies PS2, HC1 and HC2 of the Swansea Local Development Plan. Accordingly refusal is recommended.

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

RECOMMENDATION

REFUSE for the following reasons:

- 1 The proposed building, by virtue of its inappropriate form, poor design and excessive scale, fails to harmonise with and respect the form, design and scale of both neighbouring dwellings, to the detriment of the visual amenities of the street scene and the fails to preserve or enhance the character of the Mumbles Conservation Area, contrary to Policies PS2, HC1 and HC2 of the Swansea Local Development Plan (2019) and the Council's Placemaking Guidance for Infill and Backland Development (2021).
- 2 The proposed building, by virtue of its inappropriate siting and excessive scale and height, would have an unacceptable overbearing and overshadowing impact on the occupiers of 1 Broadview Lane, and an unacceptable overbearing impact upon the occupiers of 3 Broadview Lane, to the detriment of the living conditions that these neighbouring occupiers could reasonably expect to enjoy, contrary to Policy PS2 of the Swansea Local Development Plan (2019) and the Council's Placemaking Guidance for Infill and Backland Development (2021).

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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: Policies 1, 2 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 PS2, RP2, ER2, ER8, ER9, T5, T6, HC1 and HC2.

- 2 PLANS
1191.7-L(90)101 existing site plan + location plan, 1191.7-L(90)102 proposed site plan, 1191.7-L(90)103 existing street topographical survey, 1191.7-L(99)101 existing ground floor layout + elevations, 1191.7-L(99)102 existing basement floor layout + elevations, 1191.7-L(99)104 proposed second + third floor layouts, 1191.7-L(99)106 proposed rear + side elevations, 1191.7-L(99)107 existing street elevation, 1191.7-L(99)108 proposed street elevation, 1191.7-L(99)109 proposed roof layout and 1191.7-L(99)110 proposed section AA-AA on entrance lobby, received 1st March 2022. 1191.7-L(99)105 proposed front + side elevation and 1191.7-L(99)103 proposed ground + first floor layouts received 14th April 2022.
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Item 3

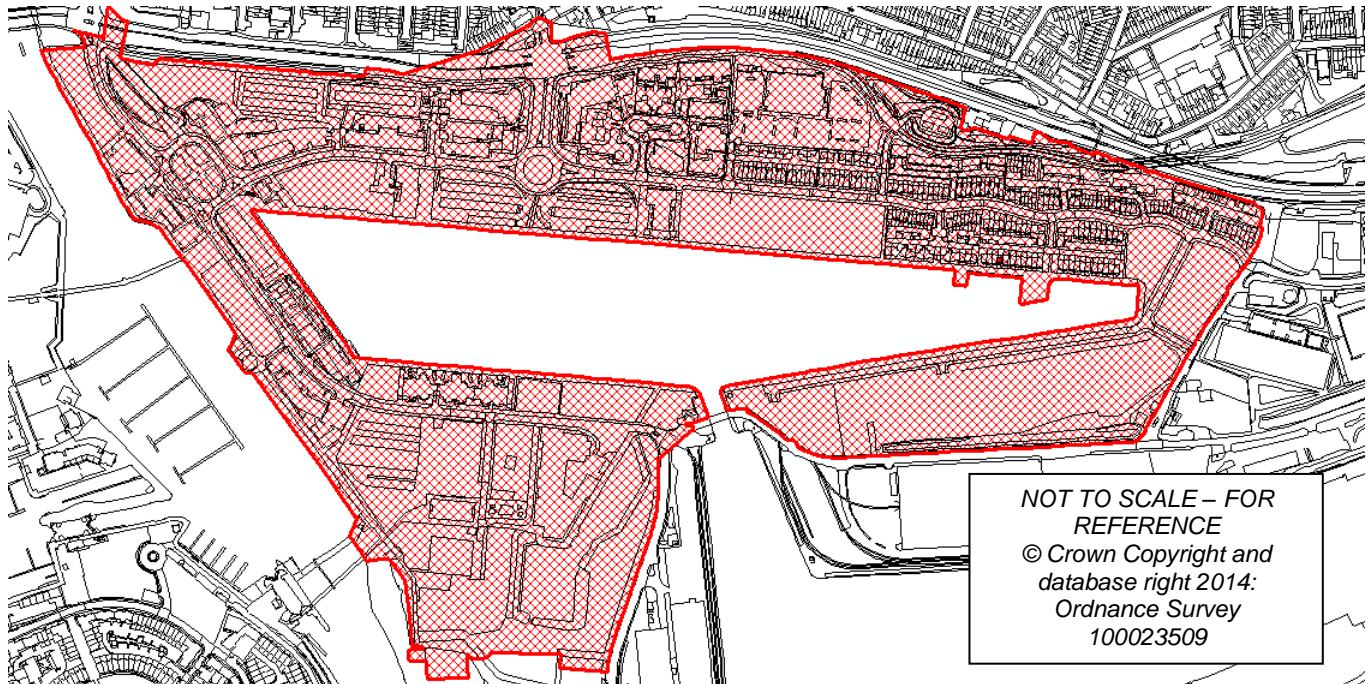
Application Number: 2022/0381/106

Ward: Waterfront - Bay Area

Location: 1-54 (inclusive) Llys Hafen Lamberts Road, Swansea, SA1 8QH

Proposal: Modification of Section 106 agreement attached to planning permission 2002/1000 granted 19th August 2003 to add a new condition/ mortgagee exclusion clause into Clause 1 of the Third Schedule

Applicant: Tai Cartrefi Cyf



Background Information

Site History

App Number

2018/1809/DOC

Proposal

Construction of new UWTSD Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building & Construction Wales Innovation Centre - Discharge of condition 26 (car parking strategy) of planning permission 2015/1584 granted 13th May 2016

Status

APP

Decision Date

05.10.2018

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Item 3 (Cont'd)	Application Number:	2022/0381/106
2020/0533/NMA	Construction of MSCP - Non Material Amendment to planning permission 2018/1263/RES granted 13th August 2018 to replace approved living green wall on northern elevation with an alternative cladding design	REF 09.04.2020
2022/0954/RES	Approval of all reserved matters in respect to the development of the Innovation Matrix Building (mixed Business B1 / Education D1 with ancillary A3) including associated landscaping and supporting infrastructure - Phase 1 Swansea Waterfront Innovation Quarter (Details of access, appearance, landscaping, scale and layout pursuant to conditions 08, 09, 15 & 20 of outline planning permission 2015/1584 approved 13th May 2016)	PDE
2022/1109/RES	Construction of 35 no. apartments and 8 no. townhouses and associated works, (details of access, appearance, landscaping, layout, scale pursuant to conditions 6, 8, 9 and 19 of outline planning permission 2015/1584 approved 13th May 2016 (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development	PCO

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Item 3 (Cont'd)

Application Number:

2022/0381/106

2022/1134/RES

Construction of up to 109 residential units and associated works (details of access, appearance, landscaping, layout, scale pursuant to conditions 6, 8 and 9 of outline planning permission 2015/1584 granted on 13th May 2016) (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development

PCO

2022/1137/RES

Construction of 24 no. apartments and 4 no. townhouses and associated works (details of access, appearance, landscaping, layout, scale) pursuant to conditions 6, 8, 9 & 17 of outline planning permission 2015/1584 granted 13th May 2016 (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development

PCO

2002/1570	Variation of conditions 1-12 (inclusive) of planning application ref 2002/0743 (approved 18th July 2002) to allow for a phased development of highway infrastructure including cycle ways, footways, drainage and services	APP	10.01.2003
2002/1000	Mixed use development comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses, car parking, associated infrastructure (including new highway access and pedestrian overbridge), hard and soft landscaping	S106	26.08.2003

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Item 3 (Cont'd)	Application Number:	2022/0381/106
2015/1584	Application under Section 73 to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of the revised masterplan proposals for the 'Swansea Waterfront Innovation Quarter' - principally varying Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), and other conditions to the Section 73 application 2008/0996 (granted 11 October. 2010) which previously varied the original outline planning permission 2002/1000 (granted 19 August 2003)	S106 13.05.2016
2011/1718	Construction of 48 residential units comprising 30 no. 3 storey town houses (3 and 4 bedrooms), 12 no. 4 storey townhouses (4 bedrooms) and 6 no. apartments (2 bedrooms) in two no. 3 storey blocks together with associated vehicular and pedestrian accesses, car parking, bicycle and refuse storage, landscaping and ancillary development (Details of access, appearance, landscaping, layout and scale pursuant to planning permission 2002/1000 granted on the 19th August 2003, as varied by planning permission 2008/0996 granted on the 11th October 2011)	APP 07.06.2012

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Item 3 (Cont'd)

Application Number:

2022/0381/106

2009/0499	Ground remodelling works including alterations to the vertical alignment of Langdon Road	APP	29.07.2009
2008/0996	Variation of Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), 14 (air quality), 16 (noise and vibration), 20 (waste management and recycling), 21 (ecology and wildlife) and 27 (archaeology) of outline planning permission 2002/1000 granted on 19th August 2003)	APP	11.10.2010
2006/0762	Variation of condition 31 of planning permission reference 2002/1000, granted on the 19th August 2003 to read, in respect of vehicle movement off Kings Road/Fabian Way junction	APP	18.07.2006
2005/1077	Variation of conditions 3 and 4 of planning permission 2002/1000, granted on 19th August 2003, to allow for the Design and Development Framework to be reviewed/updated and to establish hierarchy with urban design guidance	APP	20.07.2005

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Item 3 (Cont'd)	Application Number:	2022/0381/106
2004/1801	Section 73 application to extend the period for the submission and approval of the phasing programme and urban design framework required by conditions 01 and 03 of outline planning permission 2002/1000 until 19th September 2004.	APP 22.09.2004

APPRAISAL

The application has been submitted to seek authorisation to modify the S106 agreement (planning obligation) for the development at Plot D1A, Swansea Waterfront, SA1, Swansea now known as Llys Hafen, Lamberts Road. The development was granted Full Planning Permission for the Construction of two, 4 storey blocks comprising 54 flats, undercroft and surface car parking with associated landscaping and infrastructure in April, 2006 - ref: 2006/0083 - and is managed by Pobl / Tai Cartrefi.

This follows the Outline planning permission which was originally granted in August 2003 (ref: 2002/1000) for a mixed-use development of SA1 Swansea Waterfront, comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), educational (D1/C3) uses, car parking and associated infrastructure.

This was subject to a Section 106 Planning Obligation which amongst other things required the provision of a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development i.e. 50 units before occupation of the 500th house; 80 units before occupation of the 800th house and 110 units or 10% whichever is the greater before occupation of the final residential unit Provided. Affordable Housing" being defined as the means both low cost market and rented housing (irrespective of tenure exclusive or shared ownership or financial arrangements) that will be available to people who cannot afford to occupy houses generally available on the open market.

SA1 Affordable Housing

The need for affordable housing is a material planning consideration and LDP Policies HC2 and HC3 requires residential development on sites within settlement limits with capacity for 5 or more dwellings should provide affordable housing on site within the North-eastern Strategic Housing Planning Zone of 10%. Additionally, as indicated above, the SA1 Swansea Waterfront mixed use development area, the Section 106 Planning Obligation completed in August, 2003 under the original outline planning permission 2002/1000 requires a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development.

The completed residential development to date has been in accordance with this requirement, albeit the approved developments have not all incorporated a planning restriction to this effect and have been reliant on the Registered Social Landlords (RSL) developments to meet this requirement. This has been a deliberate policy objective in order to allow the private market housing to achieve a higher design quality.

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In more recent years, it has been considered appropriate that new developments incorporate a 10% affordable housing provision in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation requirement. Securing a 10% affordable housing provision would contribute to the delivery of the phased programme of the overall affordable housing provision within the SA1 development and would accord with the aspirations of Policy HC3 which seeks to negotiate the inclusion of an appropriate element of affordable housing and it is appropriate that this is tied to the planning permission via a Section 106 Planning Obligation.

Applicant's Request

Obligation which the Applicant wishes to have modified and the reasons why they need to be modified:

When a registered provider is securing property to a lender the property will be given one of two values:

- *Market Value Subject to Tenancy ("MV-STT") which assumes that a property can be sold on the open market subject to a pre-existing tenant. A valuation on this basis is usually around 66% of the open market value of the property. So assuming a three bed house has an open market value of £300,000, if the property is secured to a lender on an MVST basis the applicant will receive a value of £200,000.*
- *Existing Use Value - Social Housing ("EUV-SH") which assumes that a property may only ever be used as social/affordable housing in perpetuity. This restricts the value of the property to approximately 33% of the open market value of the property. So assuming a three bed house has an open market value of £300,000, if the property is secured to a lender on an EUV-SH basis the applicant will receive a value of £100,000.*

From the example above it is clear why the applicant would like to ensure that they receive an MV-STT valuation for the properties. In order for an MV-STT valuation to be issued, any mortgagee exclusion clause (MEC) in a Section 106 Agreement, nominations agreement or decision notice needs to effectively carve out any ongoing requirement for a lender (following a default from our client) to use the property as affordable housing.

The applicant's Property is subject to the Section 106 Agreement dated 19th August 2003. An adequate MEC is required as at present the Property is restricted in value to EUV-SH without one. The inclusion of the industry standard MEC will not change the existing and current use of the Property whilst it is in the ownership of our client or any other RP. It is only required in the event that our client should ever default on their loan and the lender takes possession or appoints a receiver, which is extremely unlikely and has never happened in the history of the social housing sector. The sector is seen as very safe for lenders to lend money, who are very risk adverse.

Section 106 Planning Obligation

Under the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may enter into an agreement / Planning Obligation with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land. The planning obligation may in cases ensure the delivery of affordable housing in a development in conjunction with the grant of planning permission. The Council is free to enter into a S106 Deed by agreement as it thinks fit subject to the normal public law constraints of it acting reasonably and Regulation 122 of the Community Infrastructure Levy Regulations 2010.

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2022/0381/106

The planning obligation is enforceable by the Council against the person entering into the obligation and against any person deriving title from that person unless otherwise provided by the terms of the S106 Deed.

The proposed amendment would retain the 10% affordable housing obligation within the S106 but seeks to include a mortgage exclusion clause (MEP) reflecting standard drafting, which would normally be achieved by a Deed of Variation.

Main Issues

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

The Council has to ask itself:

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

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

With regard to the first question, it is considered that the original obligation still serves a useful planning purpose in that the required affordable housing are still required. This would not change.

The requirement for Affordable Housing is clear in both local and national planning policy. Technical Advice Note 2: Affordable Housing (2006) provides practical guidance on the role of the planning system in delivering such housing. The guidance defines affordable housing for the purposes of the TAN and provides advice to local planning authorities on how to determine affordability.

LDP Policies H2 and H3 sets targets for the delivery of on-site Affordable Housing provision as part of residential proposals where appropriate and viable. The amplification indicates that the mix of dwelling sizes, types and tenures required to be provided on each site will vary in order to reflect the identified level of housing need that applies at the time of application, which will also need to be considered within the context of financial viability.

The second question, is whether the planning purpose could be equally served by the proposed modification?

Mortgage Exclusion Clause (MEP) or sometimes referred to as Mortgagee in Possession (MiP) clauses within Section 106 agreements enable Registered Providers (RP) / RSL's to provide for circumstances where a RSL defaults on loan payments or other loan/mortgage terms and a mortgagee (or other relevant funding party) takes control of the RSL's interest in affordable housing units as assets against which their loan is secured.

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The clauses allow for another RP to purchase the affordable housing units within a specified timeframe known as the 'moratorium period' under a prescribed procedure. This would normally set out in the S106 agreement and is a contractual arrangement. Where the units are not purchased within this period, they are released from affordable tenure, enabling the mortgagee to dispose of the units in order to regain some or all of the loan that they have provided.

The inclusion of a MEP / MIP Clause is relevant to the level of funding that an RSL is able to secure against affordable housing units to fund the provision of additional affordable housing as part of their delivery programme.

A standard MEP / MIP clause would enable the LPA, or an alternative RSL nominated by the LPA, to be granted an interest in the land within the initial period of the moratorium period. This increases the likelihood of a transfer of the units to be completed within the moratorium period. The amount payable to the mortgagee should be the greater of the amount due to the mortgagee plus relevant fees and expenses, and the value of the units taking into account the obligations under the S106 agreement. The clauses would require that the parties act reasonably when determining a price for the units and undertaking the other obligations as set out in the clauses.

The following factors should be taken into account:

- The Swansea Local Development Plan sets strategic targets for new homes to be affordable in accordance with Policies H2 and H3;
- There is known shortfall in funding available to meet the strategic targets and deliver the level of affordable housing necessary to meet housing needs. The provision of a MEP / MIP clause can significantly increase the finance that can be secured for affordable housing delivery.
- Welsh Government monitors the financial viability of RSLs and has the ability to intervene in the management of a RSL in financial distress.
- RSL's rarely fall into financial difficulties and where this may occur such RSL's may be taken over by another RSL.
- There are no known cases of MEP / MiP clauses being triggered in relation to assets owned by RSLs.

Taking these issues into account it is considered that any risk associated with the RSL defaulting on a loan and affordable units not being secured by the LPA or another RP is limited and is outweighed by the factors referred to above.

The planning purpose for the S106 agreement was to secure the percentage and make up of affordable housing. The planning purpose would therefore still be served by the proposed modification.

Conclusion

The application has been submitted to seek authorisation to modify the S106 agreement (planning obligation) attached to planning permission 2002/1000 granted 19th August, 2003 for the development in relation to Plot D1A, Swansea Waterfront, to add a new condition/mortgagee exclusion clause into Clause 1 of the Third Schedule. However, Plot D1A in the SA1 Waterfront Development, is of course only part of the wider development defined by the red line boundary under Ref: 2002/1000.

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It is considered, therefore more appropriate that the Local Planning Authority (LPA) should not be entering into a Modification / Deed of Variation of the existing S106 Agreement as it would have implications for all other developments within the SA1 development. In order to add a new condition/ mortgagee exclusion clause into Clause 1 of the Third Schedule, the option would be to enter into a new standalone S106 Agreement relating to - 1-54 (inclusive) Llys Hafen Lamberts Road - Plot D1A only. The LPA have entered into individual S106 agreements incorporating mortgage exclusion clause elsewhere in SA1 - see plot D7a - 2019/1479/106 - with the MEP / MIP clause restricted to the social rented properties only.

Recommendation

It is recommended that a new Section 106 Planning Obligation be entered into to allow for the inclusion of a MEP / MIP in respect of social rented units only relating to Nos. 1-54 (inclusive) Llys Hafen Lamberts Road, SA1 Swansea Waterfront - Plot D1A only.

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2021/2611/FUL

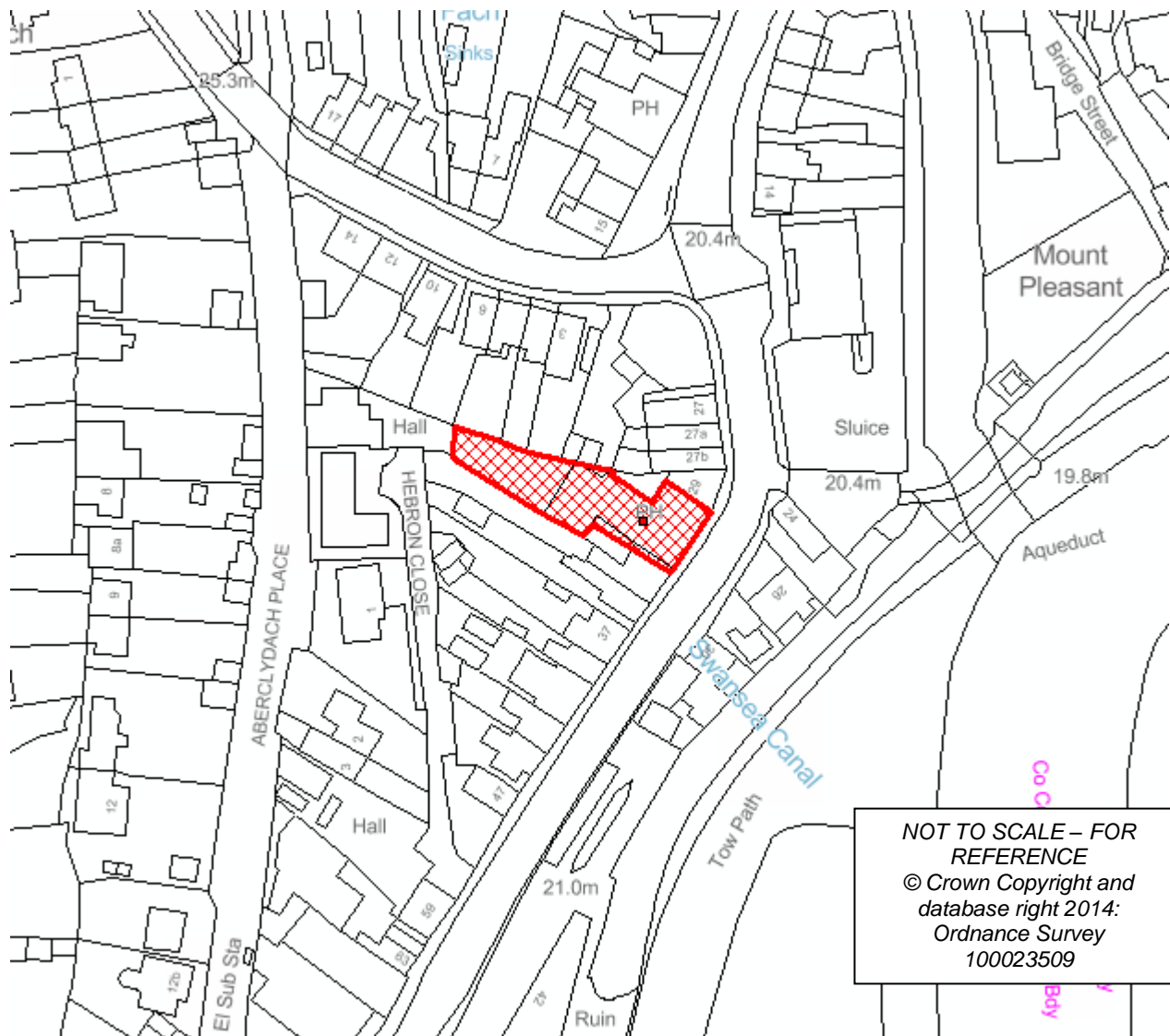
Ward:

Clydach - Area 1

Location: 31 Hebron Road, Clydach, Swansea, SA6 5EJ

Proposal: Change of use and conversion from a former public house (Colliers Arms) into two, three storey dwellings, including the addition of two rear dormers, rear rooflights, fenestration alterations, demolition of a single storey structure to the rear, removal of pitched roof at the rear to be replaced with flat roof with lantern lights and bike shed

Applicant: Mr Ian Bihagg Millar and Behave Developments Ltd



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Site History App Number

2017/1020/FUL

Proposal

Change the use of public house with flat above (Class A3) to one residential dwelling (Class C3)

Status

REF

Decision Date

14.11.2017

2020/1110/PRE

PRE APP for change of use from a former public house to 7 residential flats with alterations to roof

NEGP
RE

05.08.2020

97/1608

TWO SINGLE STOREY
REAR EXTENSIONS

APP

20.04.1998

2014/1906

Change of use of public house (Class A3) to an 8 bed care home (Class C2), demolition of part of building at land opposite 59-63 Hebron Road and creation of separate car parking area to be used in association with the care home

REF

22.10.2015

Background

The application is reported to Committee for decision as it is considered to be a departure from the Swansea Local Development Plan.

The application site comprises the former Colliers Arms public house at 31 Hebron Road, Clydach, which has been unoccupied for several years.

Relevant site history shows several attempts to bring the property back into use in recent years with the following applications, first as a care home, then as a single residential dwelling.

Change of use of public house (Class A3) to an 8 bed care home (Class C2), demolition of part of building at land opposite 59-63 Hebron Road and creation of separate car parking area to be used in association with the care home (2014/1906 refers). Application Refused 22/10/2015. Appeal dismissed.

Change of use of public house with flat above (Class A3) to one residential dwelling (Class C3) (2017/1020/FUL refers). Application Refused 14/11/2017 for the following reason:

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The use of the property as a single dwelling house introduces a highly vulnerable development within a C2 flood zone, which would put future occupiers at risk during a flood event, contrary to the requirements of Planning Policy Wales (9), Technical Advice Note 15 (Development and Flood Risk) and Policy EV36 of the City and County of Swansea's Unitary Development Plan 2008.

Since the application was refused, the Flood Map for Planning (FMfP) has been introduced which were intended to accompany a new Technical Advice Note 15: Development, Flooding and Coastal Erosion. Whilst implementation of the new TAN 15 was subsequently suspended following concerns from several Local Planning Authorities, the Welsh Government has confirmed in the Dear CPO letter dated 15th December 2021 that the FMfP remains publicly accessible and provides better and more up-to-date information than the Development Advice Map (DAM) and are a material consideration as best available information.

The site is located within Zone C2 under the Development Advice Maps (DAM) (areas of floodplain without significant flood defence infrastructure), however under the new FMfP, the site is located outside of Zones 2 and 3 following revised and updated modelling information in an area that has “No constraints relating to flooding from rivers or the sea, other than to avoid increasing risk elsewhere.”

Site Description

The application building is a traditional two storey stone faced property (with accommodation within the roof) set within a tight grouping of terraced properties on the western side of Hebron Road. At the rear is a single storey projection (also with accommodation in the roof) which leads out to an overgrown tiered rear garden area. Either side of the application premises are residential properties. In the wider locality there is an estate agents, an indoor climbing centre, takeaway premises and a public house. The Clydach District Centre is located some 250m to the north east of the site.

Description of Development

Full planning permission is sought for the change of use of the premises from a Public House (with accommodation above) to 2 x three storey dwellings at 31 Hebron Road, Clydach.

Notwithstanding the internal alterations to facilitate the use, external alterations include additional ground and first floor windows (to match existing), replacement of front window with entrance door and a replacement front door within the front elevation. A matching rear dormer adjoining the existing rear dormer, rear rooflights and new first floor rear windows. The largest alteration proposes to replace the existing pitched roof rear extension with a flat roof rear extension (incorporating lanterns) and demolish the existing flat roof rear extension to provide more rear amenity space.

Additional alterations also provide a new timber and slate porch to an existing side entrance along the southern boundary and a painted timber gate and ramp leading up to said

Bike sheds are proposed for both properties, along their south western boundaries and both properties are also allocated separate bin stores.

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The remainder of the rear of the site is to be divided by boundary fence.

Relevant Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales (Edition 11) February 2021

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals, at all scales.

Swansea Local Development Plan (LDP) (2010-2025)

PS 2 states that "[d]evelopment 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." It continues "[a]ll proposals should ensure that no significant adverse impacts would be caused to people's amenity."

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

SI 2 Providing and Safeguarding Community Facilities and Locally Important Uses - 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.

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

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

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

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

ER 9 - Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological 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.

Supplementary Planning Guidance

The supplementary planning guidance documents entitled 'Placemaking Guidance for Residential Development' and 'City and County of Swansea Parking Standards' are both considered relevant to the determination of this application. This SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above.

The Council's Biodiversity and Development (2021) SPG provides guidance to augment Policies ER6, ER8 and ER9 of the LDP, and provides clarity on the interpretation of those policies, in order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. The document sets out the requirement to follow the stepwise approach in relation to the consideration of developments including, where necessary, the requirement for ecological mitigation and enhancement measures. This aligns with the Council's duties under s.6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well Being of Future Generations Act 2015, and is consistent with National Development Plan (Future Wales) Policy.

Consultation Responses

Local Highway Authority:

The floor plans have been amended and now indicate two front doors directly off Hebron Road. This is acceptable. Plot 2 also benefits from a narrow side access. The units are shown as two bedroomed and whilst no car parking has been provided the site is located in an accessible area with a fall back use as a public house that would have generated significantly more vehicular movements than the proposed pair of semi-detached dwellings. On that basis it is not considered that a recommendation of refusal could be sustained at appeal. Both plots are shown with cycle storage and adequate waste facilities. The site is well located in terms of access to the national cycle network and hence the provision of cycle storage will encourage sustainable travel. On balance there are no highway objections to the proposal subject to the waste and cycle storage being laid out in accordance with the approved plans prior to beneficial occupation of the units, and be maintained as such thereafter.

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Ecology:

The submitted bat survey report details acceptable enhancements (Section 4 and Appendix 5). It also contains precautionary working methods and sensitive lighting details (Section 5). Can the report be listed as an approved plan? Or conditions for enhancements and a sensitive lighting plan will be required. Bird, bat and hedgehog informatives should also be added.

Natural Resources Wales:

We have no objection to the application, but offer the following comments:

The planning application proposes change of use from a less vulnerable development (public house) to a highly vulnerable development (residential). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15.

We note that in the Design and Access statement prepared by Noel Isherwood Architects, August 2021, states:

'During the pre-application stage it became clear that NRW were updating the flood data for the Clydach area. In March 2021 we were informed that new flood data was now available and that the property was no longer in a C2 Zone'.

We can confirm we have updated model data for this area, and the application site is now outside the flood zone. The DAM flood extent has remained the same, however, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year.

On this basis, we have no objection to the application as submitted.

Protected Species

We note that the bat report submitted in support of the above application (Former Colliers Arms, 31 Hebron Road, Clydach, Swansea, SA6 5EJ, Bat Survey Report, prepared by I&G Ecological Consulting Ltd, February 2022) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted.

Dwr Cymru Welsh Water:

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. This means that any alterations to existing premises that result in the creation of additional premises or merging of existing premises must be constructed to that each of the premises is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information.

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Public Consultation

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by the posting of neighbour consultation letters on 28th October 2021 as well as a site notice on the same day.

Four letters of objection have been received, along with two other letters of comment (neither supporting nor objecting), with the following issues raised:

- Concerns over building works with no rear access and extremely narrow side access
- Privacy concerns of existing neighbouring gardens being overlooked by new rear windows
- Exacerbation of existing access and highway safety concerns given the restricted highway to the front and proximity to the bend and no formal parking being provided
- Querying the original red line area of the site location plan

Following the first round of consultation, plans were amended, with objectors and neighbours being consulted again on 10th May 2022.

No further representations have been received to date.

Following receipt of comments from NRW offering no objection on the basis of the updated FmfW, it was considered that the proposal would be a technical departure to the Local Development Plan if considered acceptable and was advertised as such accordingly.

The application was advertised as such with a site and press notice dated 20th June 2022.

Members of the Committee should note that the consultation exercise relating to the Press Notice does not expire until 12th July 2022, which is six days after the date of the Committee meeting. The implications of this are explained later on in the report.

APPRAISAL

Main Issues

The primary issues in the consideration of this application relate to the principle of the use of the land as well as the impact upon visual amenity, the amenities of neighbouring occupiers, on parking and highway safety, the ecological impact and the flood risk of the proposal, 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 Use

LDP Policy SI 2 is a relevant consideration of the change of use of a public house, which would be considered a community facility, albeit the premises have been closed for several years. Policy SI 2 recognises that community facilities, including commercial facilities such as pubs, can provide an important function in the health, social and economic well-being of a locality.

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This policy aims to safeguard a community facility or locally important use in those instances where it is shown to be of particular local value or merit to the community that it serves and where its loss would be of demonstrable dis-benefit to that community. The policy outlines that development that would adversely affect the operation, or lead to the loss a community facility of local value will not be permitted unless certain criteria are met. Guidance on defining facilities of local value is provided within the policy.

The Council's SPG 'District Centres, Local Centres and Community Facilities' also provides guidance on this matter. The SPG recognises that a pub, amongst other uses, may provide a role as a community facility and that in these instances, consideration should be given to the impact of the loss of the facility on the community. The SPG describes the sorts of circumstances where it is appropriate to use the term 'community facility' for such uses, typically in rural locations or urban areas that are not sufficiently served by District or Local centre or other comparable places for people to congregate. In this instance, the application site is located within the urban area of Clydach with four pubs <1 km radius (The Three Compasses, The Village Tavern, the Farmers Arms and the Millers Arms). Furthermore, the site lies approximately 243m from the Clydach District Shopping Centre and has good public transport links. It is therefore considered that the importance of the pub is not of such local value that its loss would be of demonstrable disbenefit to the community.

Given the location of the property in an established residential area within the urban settlement boundary of the LDP, residential use of the site is considered acceptable in principle subject to further consideration of the detailed issues set out below.

Visual Amenity

Whilst alterations are proposed both to the front and rear of the property, the alterations at the front are purely to the fenestration, with new openings proposed to match existing and the overall aesthetic of the property retained. Larger alterations are proposed to the rear, however, these would not be highly visible in the public domain and their scale and appearance are considered in keeping with the existing building, particularly given the scale and appearance of the existing rear extensions and varied scale and appearance of rear extensions in the vicinity. The proposed dormer windows on the rear would match the scale / design of the existing dormers on the front and would be less prominent given their location. It is therefore considered that the proposal would not result in any unacceptable harm on the character of the host property or local area.

In light of all of the above, the proposal is considered to have an acceptable impact on visual amenity, in accordance with Policy PS 2 of the LDP.

Residential Amenity

The comments of neighbouring occupiers are duly noted. In terms of the overbearing and overshadowing impact, the footprint of the proposal would be less than that of the existing building and the rear extension would be reduced to a single storey flat roof extension. Therefore, the proposal is not considered to have an adverse overbearing impact or increase in overshadowing in comparison to the existing building.

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In terms of the impact of the new fenestration to the front and side, the first floor side window would serve a stairwell and the ground floor side facing fenestration would offer comparable views to the existing rear projection. It is noted that additional first floor rear fenestration and an additional rear dormer would offer elevated views to the rear of the property, as well as oblique views of neighbouring rear amenity spaces. However, they would be sufficiently away from the shared boundary and offer comparable views to those of their neighbouring properties such that it is considered privacy levels would not be significantly reduced beyond existing levels, noting that the first floor of the premises was previously used for residential accommodation.

In terms of the impact on the amenity of future occupiers, both the internal floor space and external amenity space are sufficient for residential properties of this scale and all habitable rooms would be served with sufficient outlook. Light at the rear of House 1 would be limited at ground floor, however, the open plan nature and additional front window are considered sufficient that the ground floor habitable space would not be void of outlook.

A condition would also be attached to ensure the flat roof of the single storey rear projection would not be used as amenity space that could offer elevated vantage points of neighbouring properties. Permitted development rights for rear extensions/ enlargements would also be removed given the overall scale of the existing single storey rear projection to ensure sufficient garden area remains and the proposal does not result in a greater impact on neighbouring properties.

In light of all of the above, the proposals are considered to have an acceptable impact on residential amenity.

Access and Highway Safety

The lack of parking provision and the concerns of the objectors in terms of potential impact on access and highway safety are duly noted. However, as set out in the Highway Authority response, the relevant fall-back position of the current lawful use as a public house is also a material consideration. It is noted that bike stores are to be provided for both properties and the premises are within a sustainable location, well served by public transport and a nearby District Centre, reducing the reliance on private vehicles for residents somewhat. It is appreciated that there is no scope to park immediately to the front of either properties, given the parking restrictions and being close to a bend in the highway. That being said, that is the same constraint for several other properties adjacent and would undoubtedly be a consideration any future occupier would need to consider prior to any purchase or rental. Clearly, with the lack of any formal parking provision, the application falls short of the Parking Standards, which would require up to 6 parking spaces, however it must be remembered that there is already residential use at first floor (4 bedrooms) which would require 3 spaces itself. However, the relevant fall-back position of a public house cannot be ignored, and it is acknowledged that the potential parking demand would have been greater for that as a public house with residential above. Therefore, despite the potential access and highway safety concerns raised above, these are comparable or less than those generated by the existing use. In addition, given the sustainable location and access to public transport and services, it is not considered that a refusal on access or highway safety concerns would be justified in this instance and the Local Highways Authority has offered no objections to the proposal.

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In light of all of the above, it is therefore considered that highway safety would not be unacceptably impacted by this application, in accordance with Policy T 6 of the LDP and conditions would be attached to ensure suitable bike storage is provided.

Ecology and Ecological Enhancement

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

Given the proposals would impact both the roof of the property and the removal/replacement of existing extensions on site, there is scope for the proposals to impact on protected species. Consequently, a bat survey has been submitted in support of the application which has identified that bats are not presently using the building. In addition, the building itself is assessed as having negligible potential to support roosting bats. Similarly, no evidence of nesting birds or owl activity were identified. NRW has offered no objection after reviewing the submitted report and the Ecologist raises no objections but has requested informatives regarding bats, birds and hedgehogs.

Whilst the bat survey sets out potential enhancement in Section 4 and Appendix 5, only an approximate location for a bat box has been provided and multiple options for enhancement are highlighted within the survey, none of which are identified on the actual plans. In addition, the applicant may wish to consider additional enhancement over and above a solitary bat box so as to be considered proportionate to the scale of the development, with opportunity for native planting within the gardens of both properties. It is therefore considered necessary to attach a condition to secure proportional ecological enhancement and a suitable implementation timetable, particularly given the variety of possible enhancement as well as scope for planting within the rear gardens to be considered part of the enhancement.

Flooding

It is appreciated that previous applications at this site have been refused as a result of the vulnerability of the proposals in terms of the potential flood risk, given the Development Advice Map (DAM) included within TAN 15 identified the property as being within a C2 Flood Zone.

Policies ER 1 and RP 5 relate to avoiding unnecessary flood risk and state that development will not be permitted in areas of flood risk unless it can be demonstrated that the development can be justified in-line with national guidance contained in TAN 15 (2004). TAN 15 states in Section 6.2 that highly vulnerable development (such as residential development) within a C2 flood plain should not be permitted and there is no further requirement to consider the justification tests. The previous applications at this site have been refused on this basis and dismissed at appeal.

However, as noted above, the flood data for this area has since been re-modelled and the property is no longer located within a flood zone on the Flood Map for Planning (FMfP). At the present time, the FMfP does not align neatly with TAN 15 that is still in force, however, the, FMfP is a material planning consideration.

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Therefore, despite the present conflict with the amplification text of LDP policy RP 5, the remodelled and updated flood data shows that the site is no longer within a C2 flood zone, and the site is at little or no risk of flooding based on the most up-to-date information and NRW has offered no objection to the proposals. The potential for flooding on this site is less than 0.1% chance in any given year, the same as it is for any other site outside of the identified flood zones. On this basis, it is considered that the risk of flooding is so minimal that it does not present a constraint to development, even though it is still a 'departure' application based on the older DAM Maps and this departure can be justified in accordance with LDP policy.

As noted above, this application has already been consulted upon several times in October 2021 and May 2022 and again in June 2022. However, it has subsequently been re-advertised and this consultation does not expire until 6 days post-Committee solely due to the application being a 'departure'. The resolution is therefore to provide the Head of City Regeneration and Planning with delegated powers to issue the decision at the end of the consultation period in the event that news issues that have not been addressed above are raised, specifically with regards to flooding. If new issues that haven't been addressed are raised, the planning application will be re-presented to the next available Committee meeting (which is likely to be August 2022).

Conclusion

Having given due regard to all relevant material factors, the proposal is considered to have overcome the previous reasons for refusal and as such, is considered acceptable in respect of PS 2 (Placemaking and Place Management), RP 5 (Avoidance of Flood Risk), SI 2 (Community Facilities), T 6 (Parking), ER 8 (Habitats and Species) and ER 9 (Ecological Networks and Features of Importance for Biodiversity) of the Swansea Local Development Plan (2010-2025).

Regard has also 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"). As part of the assessment of this application, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act to ensure that the 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

Provide the Head of Planning and City Regeneration with Delegated Powers to approve the application at the end of the formal consultation period, provided that no new material considerations are raised, 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.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: 20/04.PL03 (PROPOSED SECOND AND ROOF FLOOR PLANS), 20/04.PL06 (PROPOSED SECTION), received 11th October 2021, 20/04.PL01.r2 (PROPOSED SITE PLAN), 20/04.PL02R.1 (PROPOSED FLOOR PLANS), 20/04.PL04r1 (PROPOSED ELEVATIONS), 20/04.PL05r.1 (PROPOSED ELEVATIONS), received 14th March 2022, 20/04.PP.01r1 (Location Plan), received 6th May 2022.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the submitted details, 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).
- 4 The bike and bin stores for each property shall be installed/ erected prior to the first beneficial occupation of the respective property in accordance with details first submitted to and approved in writing by the Local Planning Authority. The bike and bin stores shall be retained thereafter in accordance with the approved details.
Reason: To ensure sufficient bike and bin storage is implemented in a timely manner given the location of the development.
- 5 Notwithstanding the details submitted with the application, the means of enclosing the boundaries of the site and individual curtilages shall be implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatments and means of enclosure shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be retained as approved for the lifetime of the development.
Reason: In the interests of visual and residential amenity in accordance with Policy PS2 of the adopted Swansea Local Development Plan (2010-2025).
- 6 Prior to the first beneficial occupation of "dwelling No.2", the proposed new entrance within the front elevation, as set out in drawing 20/04.PL05 REV 1 (PROPOSED SOUTH EAST (FRONT) ELEVATION) shall be installed in accordance with the approved plans and retained as such thereafter.
Reason: To provide suitable access from Hebron Road, in the interest of placemaking, access and highway safety.
- 7 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no rear extensions for either property shall be erected without the express planning permission of the Local Planning Authority.
Reason: In the interests of visual and residential amenity given the limited and narrow nature of the rear amenity space of both properties and significant length of the existing rear projection.

Planning Committee – 5th July 2022

Item 4 (Cont'd)

Application Number:

2021/2611/FUL

- 8 The flat roof area of the ground floor rear projection for both properties shall not be used as a storage area, balcony, roof garden or similar outdoor amenity area at any time.
Reason: In the interests of neighbouring amenity, to protect from an unacceptable increase in overlooking/loss of privacy.

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 1, Policy 2 and Policy 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 PS 2, RP 5, SI 2, T 6, ER 1, ER 8 and ER 9 of the Swansea Local Development Plan 2010-2025.

- 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).

- 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

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 Please note that the Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/ wildflowers in any landscaping scheme. The above are provided as an example and are not an exhaustive list.

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Item 4 (Cont'd)

Application Number:

2021/2611/FUL

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

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

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

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Item 5 (Cont'd)

Application Number:

2022/1031/S73

Site History App Number	Proposal	Status	Decision Date
2018/1204/S73	Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the 146th dwelling house)	APP	03.10.2018
2018/1790/FUL	Construction of temporary access road off Nantong Way	TEM	17.09.2018
2019/0536/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL	APP	05.06.2019

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Item 5 (Cont'd)	Application Number:	2022/1031/S73
2019/2523/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73 and 2019/0536/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2018/1204/S73 granted 3rd October 2018 (to extend the trigger to construct the permanent Nantong Way access)	APP 04.06.2020
2020/2293/NMA	Construction of a new pumping station and associated works (Non Material Amendment to planning permission 2017/1291/FUL granted 22nd June 2018) to allow for the increase in depth of the wet well	APP 15.02.2021
2020/2295/S73	Construction of new highway and infrastructure works at Nantong Way (variation of condition 2 of planning permission 2017/0026/FUL granted 20th July 2018 to allow for Highway amendments)	APP 11.01.2021
2021/0034/SCR	SCREENING OPINION for proposed phase 9 construction of 30 residential apartments	EIANR Q 26.01.2021
2021/0944/FUL	Construction of 30 residential apartments and associated works	PCO

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Item 5 (Cont'd)	Application Number:	2022/1031/S73
2021/0889/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73, 2019/0536/S73 and 2019/2523/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2019/2523/S73 granted 4th June 2020 to extend the trigger to construct the permanent Nantong Way access to 30th April 2022	WDN 06.05.2022

Background

This application is reported to committee as the site area for the original outline planning permission 2006/1902, which this application seeks to vary, exceeds the committee threshold of 2 hectares and contains more than 20 dwellings.

The description of development for the original outline planning permission reads as follows:

'Residential development with construction of new vehicular access off Nantong Way'

The site is currently being developed by Hygrove Homes and reserved matters applications have been approved for 149 dwellings on the original outline application site. Full planning permission has also been granted for a further 107 dwellings on land falling partly within and outside of the original outline site area (2018/2692/FUL). An application for 30 apartments near the junction with Nantong Way is also currently under consideration (Ref: 2021/0944/FUL) and will be reported to Planning Committee in due course.

The planning permission includes a requirement to construct a new access off Nantong way and this requirement has been amended on two previous occasions under application 2018/1204/S73 and 2019/2523/S73. Members resolved to approve a more recent application to extend the trigger point to the end of April 2022 (ref: 2021/0889/S73), however, the decision notice was not issued as the applicant failed to enter into a S106 agreement and events have essentially overtaken this as the proposed timeframe for implementation has now passed. The application was therefore withdrawn.

The second application to extend the time limit included a condition (condition 8) which required the permanent access to be constructed by no later than 30th April 2021. The time period to construct has expired, hence why this current application has been submitted in order to extend the trigger to provide the permanent access.

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Item 5 (Cont'd)

Application Number:

2022/1031/S73

Site Location

The application relates to the Hygrove Home's Brunel Wood housing site at Upper Bank. To the north west is the Morfa Retail Park with Pluck Lake to the north. To the north east and east are areas of woodland with the A2117 beyond. The housing site is located entirely within the urban area and covers an area that is both a housing commitment and a housing allocation under LDP Policy H1.

Description of Development

This application seeks for a further variation to the trigger to provide the permanent access off Nantong Way. It is proposed to vary condition 8 of planning permission 2019/2523/S73 with the effect that the trigger to complete the permanent access would be extended to 30th April 2023.

It should be noted that a separate consent is currently under consideration for amendments to the permanent access itself (Ref: 2022/1028/S73).

Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

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.

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

Adopted Swansea Local Development Plan (2010-2025)

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

ER 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.

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.

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Item 5 (Cont'd)

Application Number:

2022/1031/S73

Supplementary Planning Guidance (SPG):

There are no supplementary planning guidance documents that are considered to be relevant to the determination of this planning application.

Consultations:

The application was advertised by a site notice.

No public representations have been received to date.

Local Highway Authority:

No objection.

APPRAISAL

Main Issues

The main issue in this instance is whether the extension of the trigger to provide the new permanent Nantong Way access would result in any significant highway safety impacts that would justify refusing the planning application for this reason 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.

This is a Section 73 application that seeks to vary condition 8 of planning permission 2019/2523/S73 to extend the trigger to provide the new permanent access off Nantong Way.

Condition 8 currently reads as follows:

"By no later than 30th April 2021 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, shall be constructed in accordance with the approved details and shall be available for use.

Reason: In the interests of active travel, highway and pedestrian safety in accordance with LDP Policies PS2, T1, T2 and T5".

Since the previous application to amend the trigger to provide the permanent access was approved, the temporary access which connects the site to Nantong Way has been upgraded to provide a signalised pedestrian crossing and a dedicated pedestrian footway. These enhancements have allowed the temporary access to operate safely, as a temporary solution, pending the construction of a permanent access. However, the provision of a permanent access, which includes a right turn bay, is considered to be critical in ensuring the safety of users as vehicular use intensifies, particularly given the nature of the existing highway in terms of vehicle speeds and alignment.

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Item 5 (Cont'd)

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2022/1031/S73

As noted above, this condition has been sought to be amended three times previously with the last time due to the applicant awaiting technical approval of the access under S278 of the Highways Act 1980 (though the permission was not issued and the application was subsequently withdrawn). However, an amended road layout/ design has been requested by the Local Highways Authority omitting the roundabout design and incorporating a priority junction for future phases instead. This has necessitated the submission of a new planning application for the access, which will be considered on its merits separately to this application, for the amended design which is why the trigger point requires further amendment.

The Local Highway Authority raises no objection to the extension of time to provide the permanent access. Therefore it is considered that the proposed extension of time to provide a permanent Nantong Way access would be acceptable and would not result in any detrimental highway safety impacts. The proposal would therefore accord with LDP Policies PS2, T1, T2 and T5 which, amongst other things, seek to ensure that developments take the opportunity to enhance active travel and provide for safe pedestrian and vehicular movements.

Other Matters

The Section 106 attached to the original permission includes a requirement for the permanent Nantong Way access to be provided by the timescales specified within original trigger i.e. no more than 80 dwellings to be occupied until the Nantong Way access is in place. In order to ensure the requirements of the S106 are consistent with the planning permission, as varied, it will be necessary for the highways requirements within the S106 relating to the provision of the permanent access and the provision of a pedestrian crossing to be updated to reflect the trigger now proposed.

As this is a Section 73 application in respect of the extension to the trigger to provide the Nantong way access, due to the specific nature of the development, it is not considered necessary in this instance for the development to provide any ecological enhancements.

Conclusion

It is considered that the extension to the trigger to provide the permanent Nantong Way access, as proposed, would be acceptable and would not conflict with LDP Policies ER9, PS2, T1, T2 and T5.

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

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Item 5 (Cont'd)

Application Number:

2022/1031/S73

RECOMMENDATION:

APPROVE, subject to the modification of the Highways requirements within the original S106 agreement in respect of the timescales to provide the permanent access of Nantong Way and associated pedestrian crossing, and subject to the following conditions;

- 1 Approval of the details of the siting, means of access, design and external appearance of the dwellings/buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development on each phase is commenced. This permission specifically excludes the road layout shown on the indicative masterplan.

These reserved matters applications shall be in accordance with a full reserved matters design and development framework document for all of the site to be submitted to and approved by the Local Planning Authority prior to or contemporaneously with the first reserved matters application. The design and development framework will address the key design issues of:

- Creating local distinctiveness.
- Integrating the development into the adjacent development site.
- Linkages with surrounding communities and facilities.
- Accessibility.
- Permeability.
- Legibility.
- Scale and massing.
- Creating people friendly streets.
- Public open space, landscaping and biodiversity.
- Designing out crime.
- Reducing car dependence and use.
- Encouraging cycling and walking.
- Sustainable water use and drainage.
- Reducing building energy consumption.
- Building design and materials.
- The frontage to Nantong Way and Brunel Way.

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

- 2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner in accordance with LDP Policy PS2.

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Application Number:

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- 3 The development shall be carried out in accordance with the following approved plans and documents:
- 3485.SL03 (Proposed Development Site) (approved under application ref: 2006/1902)
 - 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link) (approved under application ref: 2019/2523/S73)
- Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 4 The landscaping scheme for the site submitted as part of the reserved matters shall incorporate an area of public open space, not less than 0.2h in area to include an equipped play area and the scheme as approved shall be carried out in accordance with the approved programme of phasing. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
- Reason: In the interests of the visual amenity of the site as a whole.
- 5 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety in accordance with LDP Policy T5.
- 6 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted for approval of the Local Planning Authority prior to the construction of any such works commencing on site.
- Reason: To allow the proper consideration of all details in the interests of highway safety in accordance with LDP Policy T5.
- 7 The additional safety measures for the temporary access off Nantong Way as set out in green, red, and blue on drawing no. 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link) shall be implemented in accordance with the details indicated on the approved plans and shall thereafter remain in place as approved until the permanent access off Nantong Way has been completed.
- Reason: In the interests of active travel, highway and pedestrian safety.
- 8 By no later than 30th April 2023 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission under S73, shall be constructed in accordance with the approved details and shall be available for use.
- Reason: In the interests of active travel, highway and pedestrian safety.

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Item 5 (Cont'd)

Application Number:

2022/1031/S73

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for a Method Statement to detail how this unsuspected contamination shall be dealt with. The development shall be implemented in accordance with the approved Method Statement.
Reason: To ensure that the development complies with the approved details in the interests of the protection of controlled waters in accordance with LDP Policies RP1, RP4 and RP6.
- 10 Prior to the occupation of the housing phases a report shall be submitted to and approved in writing by the Local Planning Authority that provides verification that the necessary land contamination remediation and mitigation works for the site have been carried out in accordance with best practice. Post remediation sampling and monitoring results, where necessary, shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals, where necessary, shall also be detailed in the report.
Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.
- 11 The housing phases shall not be occupied until a scheme for the foul water, surface water and land drainage has been implemented in accordance with details to be approved with the reserved matters for each phase.
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 in accordance with LDP Policies RP4 and RP5.

Informatives

- 1 Notwithstanding the decision on this application, an application for a Deed of Variation of the S106 agreement is required to ensure compliance between the planning permission and S106 agreement.
- 2 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:
- Policy 1 - Where Wales Will Grow
 - Policy 2 - Shaping urban growth and regeneration - Strategic placemaking
 - Policy 9 - Resilient ecological networks and Green infrastructure
 - Policy 28 - National Growth Area - Swansea Bay and Llanelli

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, ER9, T1, T2 and T5.

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Item 6

Application Number:

2022/0954/RES

Ward:

Waterfront - Bay Area

Location:

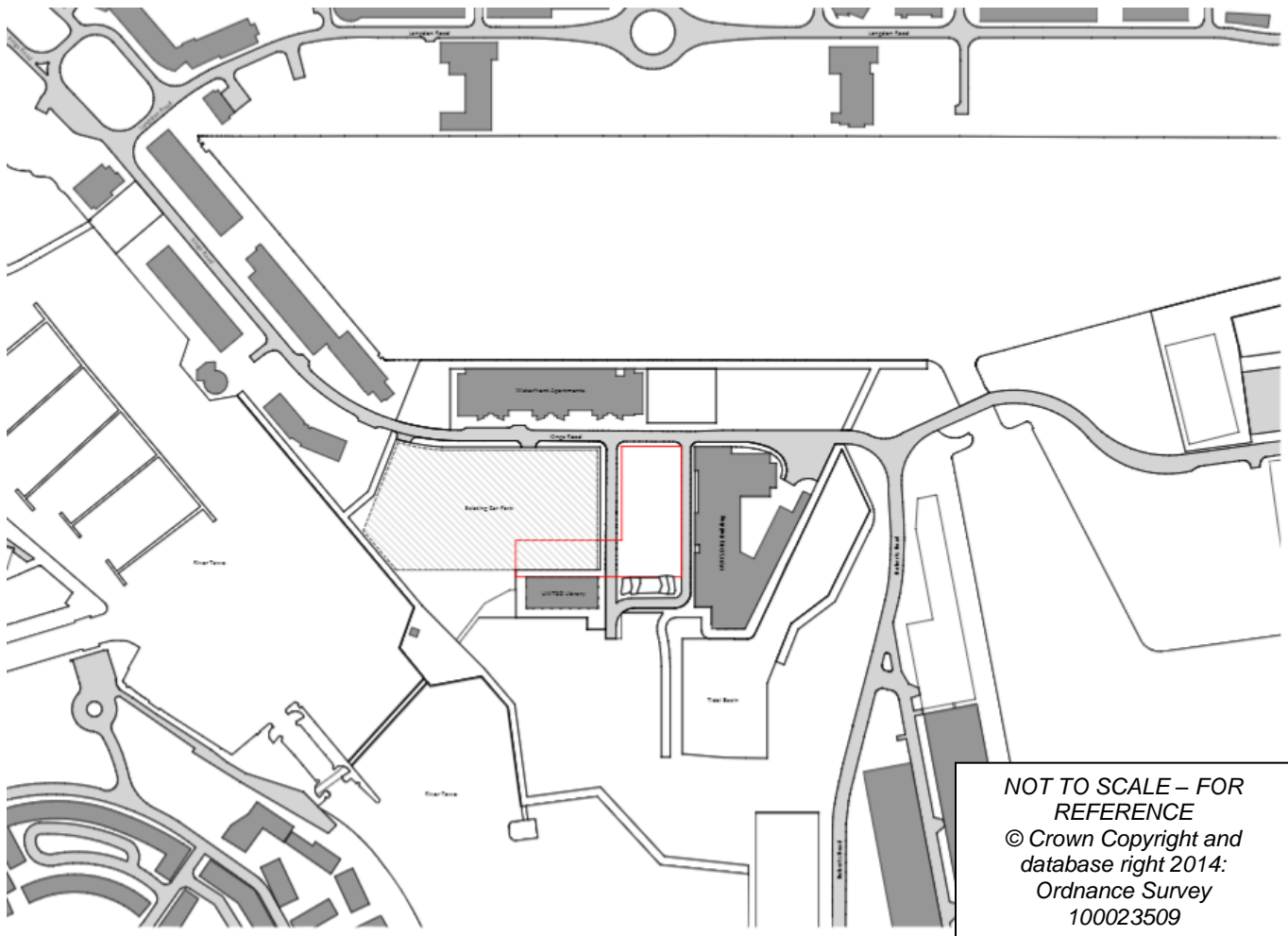
Plots Pc And Pj , Land South Of Fabian Way And East Of River Tawe, Swansea,

Proposal:

Approval of all reserved matters in respect to the development of the Innovation Matrix Building (mixed Business B1 / Education D1 with ancillary A3) including associated landscaping and supporting infrastructure - Phase 1 Swansea Waterfront Innovation Quarter (Details of access, appearance, landscaping, scale and layout pursuant to conditions 08, 09, 15 & 20 of outline planning permission 2015/1584 approved 13th May 2016)

Applicant:

University Of Wales Trinity Saint David



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Item 6 (Cont'd)

Application Number:

2022/0954/RES

Background Information

Site History

App Number

Proposal

Status

Decision Date

2018/1809/DOC

Construction of new UWTSD Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building & Construction Wales Innovation Centre - Discharge of condition 26 (car parking strategy) of planning permission 2015/1584 granted 13th May 2016

APP

05.10.2018

2020/0533/NMA

Construction of MSCP - Non Material Amendment to planning permission 2018/1263/RES granted 13th August 2018 to replace approved living green wall on northern elevation with an alternative cladding design

REF

09.04.2020

2022/0381/106

Modification of Section 106 agreement attached to planning permission 2002/1000 granted 19th August 2003 to add a new condition/ mortgagee exclusion clause into Clause 1 of the Third Schedule

PDE

2022/1109/RES

Construction of 35 no. apartments and 8 no. townhouses and associated works, (details of access, appearance, landscaping, layout, scale pursuant to conditions 6, 8, 9 and 19 of outline planning permission 2015/1584 approved 13th May 2016 (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development

PCO

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Item 6 (Cont'd)	Application Number:	2022/0954/RES
2022/1134/RES	Construction of up to 109 residential units and associated works (details of access, appearance, landscaping, layout, scale pursuant to conditions 6, 8 and 9 of outline planning permission 2015/1584 granted on 13th May 2016) (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development	PCO
2022/1137/RES	Construction of 24 no. apartments and 4 no. townhouses and associated works (details of access, appearance, landscaping, layout, scale) pursuant to conditions 6, 8, 9 & 17 of outline planning permission 2015/1584 granted 13th May 2016 (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development	PCO
2015/1584	Application under Section 73 to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of the revised masterplan proposals for the 'Swansea Waterfront Innovation Quarter' - principally varying Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), and other conditions to the Section 73 application 2008/0996 (granted 11 October. 2010) which previously varied the original outline planning permission 2002/1000 (granted 19 August 2003)	S106 13.05.2016

Planning Committee – 5th July 2022

Item 6 (Cont'd)	Application Number:	2022/0954/RES
2011/1718	Construction of 48 residential units comprising 30 no. 3 storey town houses (3 and 4 bedrooms), 12 no. 4 storey townhouses (4 bedrooms) and 6 no. apartments (2 bedrooms) in two no. 3 storey blocks together with associated vehicular and pedestrian accesses, car parking, bicycle and refuse storage, landscaping and ancillary development (Details of access, appearance, landscaping, layout and scale pursuant to planning permission 2002/1000 granted on the 19th August 2003, as varied by planning permission 2008/0996 granted on the 11th October 2011)	APP 07.06.2012
2009/0499	Ground remodelling works including alterations to the vertical alignment of Langdon Road	APP 29.07.2009
2008/0996	Variation of Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), 14 (air quality), 16 (noise and vibration), 20 (waste management and recycling), 21 (ecology and wildlife) and 27 (archaeology) of outline planning permission 2002/1000 granted on 19th August 2003)	APP 11.10.2010

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Item 6 (Cont'd)	Application Number:	2022/0954/RES
2006/0762	Variation of condition 31 of planning permission reference 2002/1000, granted on the 19th August 2003 to read, in respect of vehicle movement off Kings Road/Fabian Way junction	APP 18.07.2006
2005/1077	Variation of conditions 3 and 4 of planning permission 2002/1000, granted on 19th August 2003, to allow for the Design and Development Framework to be reviewed/updated and to establish hierarchy with urban design guidance	APP 20.07.2005
2004/1801	Section 73 application to extend the period for the submission and approval of the phasing programme and urban design framework required by conditions 01 and 03 of outline planning permission 2002/1000 until 19th September 2004.	APP 22.09.2004
2002/1570	Variation of conditions 1-12 (inclusive) of planning application ref 2002/0743 (approved 18th July 2002) to allow for a phased development of highway infrastructure including cycle ways, footways, drainage and services	APP 10.01.2003
2002/1000	Mixed use development comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses, car parking, associated infrastructure (including new highway access and pedestrian overbridge), hard and soft landscaping	S106 26.08.2003

Item 6 (Cont'd)

Application Number:

2022/0954/RES

The Proposal

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

Background

This reserved matters submission to planning permission 2015/1584 seeks approval of the details for a new education (use class D1) and business (use class B1) building to be constructed to the west of the UWTSD's Faculty of Architecture, Computing and Engineering (FACE) & Technology Building (now known as the IQ Building) and north of the Library (Y Fforwm) facing Kings Road. The Innovation Matrix will provide specialist research facilities as well as innovation learning/training space to students, local business and the wider community. The application indicates that the Innovation Matrix will predominately support business and commercial uses with around 25% allocated to collaborative supplementary education wraparound space.

UWTSD's Innovation Matrix is described as a new centre for digital innovation and enterprise and is the next phase in the University's Innovation Quarter, part of the transformational SA1 Swansea Waterfront Innovation Quarter which includes the IQ and Y Fforwm buildings. The aim is to create a vibrant neighbourhood where the University can co-locate and collaborate with innovative businesses and research centres. The Innovation Matrix is central to the University's ambition and will provide a new platform for UWTSD's research and knowledge exchange to connect with, and support, cross-sector MNEs, SMEs, micro-enterprises, entrepreneurs, and investors to stimulate commercial growth for Wales's expanding digitally empowered economy. Funded through a strategic partnership between the University and the Swansea Bay City Deal, the Innovation Matrix will encourage and support the development of a sustainable, innovation led, economy which seeks to increase Wales's capacity to meet the Welsh Government's objective of building an economy based upon knowledge, innovation, and entrepreneurship.

The proposed two storey Innovation Matrix building will have a floorspace of 3146.50 m² (GIA) and would include the following facilities:

- Foyer, Central street;
- Conference facilities;
- IT suites;
- Open and closed office spaces;
- Making spaces;
- Light industries and engineering bays;
- Ancillary café facility;
- Building support facilities including stores and WCs

The building layout is intended to be highly flexible internally to allow for various tenants and activities. It is the intention that these tenants activities will be aligned to the activities in the existing Trinity buildings i.e tech and innovation and light industrial activities. These would be supported with more flexible office and public areas to support the development of the overall campus. These activities would therefore be housed within a single building form that would act as a shell, but which allow the flexible internal layouts which will give future tenants maximum control over their internal spaces.

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Relevant planning history

2002/1000 Mixed use development comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses, car parking, associated infrastructure (including new highway access and pedestrian overbridge), hard and soft landscaping. Planning permission 19 August, 2003 subject to the completion of a Section 106 Agreement

2002/0743 Construction of highway infrastructure including cycle ways, footways, drainage and service. Planning Permission July, 2002

2008/0996 Variation of Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), 14 (air quality), 16 (noise and vibration), 20 (waste management and recycling), 21 (ecology and wildlife) and 27 (archaeology) of outline planning permission 2002/1000 granted on 19th August 2003). Planning Permission 11 Oct. 2010

2015/1584 Application under Section 73 to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of the revised masterplan proposals for the 'Swansea Waterfront Innovation Quarter' - principally varying Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), and other conditions to the Section 73 application 2008/0996 (granted 11 October. 2010) which previously varied the original outline planning permission 2002/1000 (granted 19 August 2003). Planning Permission May, 2016 following the completion of the Section 106 Planning Obligation in respect of:

- Each phase of residential development shall incorporate a minimum 10% provision of affordable housing of the total number of residential units.
- A developer contribution of £200,000 towards the provision of at grade pedestrian crossing facility across Fabian Way to be paid prior to the occupation of the Phase 2 Academic proposals.
- An agreed developer contribution or alternative mechanism to be approved by the LPA for the future management and maintenance of the Public Realm

2016/0921 Construction of new Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building for UWTSD including associated access works, landscaping and supporting infrastructure - Phase 1 Swansea Waterfront Innovation Quarter (Details of access, appearance, landscaping, scale and layout pursuant to conditions 06, 08, 09, 15, 18, 19 & 21 of planning permission 2015/1584 approved 13th May 2016). Approved 19 July, 2016

2016/3469/RES Construction of Wales Innovation Centre (CWIC) including details of associated access works, landscaping and supporting infrastructure - Swansea Waterfront Innovation Quarter - (Details of access, appearance, landscaping, scale and layout pursuant to conditions 01, 06, 08, 09, 10, 14, 15, 17, 18, 19, 20, 21 & 24 of planning permission 2015/1584 approved 6th May 2015). Approved 17 February, 2017.

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Response to Consultations

The application was advertised on site and in the local press. No response.

Natural Resources Wales - We have no objection to the approval of all reserved matters in respect to the development of the Innovative Matrix Building as submitted.

We have no objection to the Discharge of Condition's 8 (proposed levels of each phase) in relation to Phase 1 of the outline planning permission 2015/1584 for the reasons outlined below.

We have no comments to make on the Discharge of Condition's 9 (external finishing for each phase), 15 (integration of air quality, noise and vibration measures into design) and 20 (integration of ecology mitigation measures) of planning permission 2015/1584/OUT granted 13 May 2016.

Flood Risk

The planning application proposes highly vulnerable development a specialist research facility as well as innovation learning/training space. Our Flood Risk Map confirms the site to be within Zone A of the Development Advice Map contained in Technical Advice Note (TAN)15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Sea).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an (Flood Consequence Assessment (FCA), that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the Flood Consequences and Drainage Statement dated March 2022 prepared by Jubb. It advises correctly that the development site is not at risk of fluvial flooding but is at risk of tidal flooding:

- During the 0.5% (1 in 200yr) event, the development site remains flood free - complies with table A1.14 of TAN15.
- During the 0.5% (1 in 200yr) + cc (climate change) event, the development site floods to a depth of between 0.08 and 0.17mm - does not comply with table A1.14 of TAN15.
- During the 0.1% (1 in 1000yr) + cc event, the development site floods to a depth of between 0.12 and 0.30mm - complies with table A1.15 of TAN15

Finished floor levels (FFL) are to be set at a minimum 7.20m above ordinance datum (AOD), which will result in no flooding to the buildings during the 0.5% + cc event, and compliance with table A1.15 of TAN15 during the 0.1% + cc event. In addition, flood resilient construction techniques may be employed to reduce the impact of any potential flooding event within the site.

The access and egress to the site is not flood free during the 0.5% + cc event. It is a matter for your Authority to consider if this is an acceptable and/or manageable consequence. Mitigation measures noted include the preparation of a Flood Evacuation Plan. It is stated that as tidal events are predictable an adequate amount of time will be available to achieve evacuation if required. The site should also be signed up to our Flood Warning Service.

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Dwr Cymru Welsh Water - Dwr Cymru Welsh Water (DCWW) were consulted on the original outline planning application and by response (Ref: PLA0013264) offered no objection subject to recommended condition and advisory notes.

We note that the application was approved subject to drainage related conditions, including conditions 16 & 17 which requires foul and surface water flows to be drained separately along with the submission of a drainage scheme respectively. As part of this latest application for approval of reserved matters on Plots Pc & Pj, we acknowledge receipt of a 'Proposed Drainage Layout' (Drawing No. IM-JUBB-XX-XX-DR-D-0500 Rev. P09) which indicates proposals to discharge foul and surface water flows to the foul water public sewer and private surface water sewer respectively. Notwithstanding, we would advise that the proposed development site is crossed by foul water public sewers with their approximate positions being marked on the attached Statutory Public Sewer Record. 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. However, having regard to the submitted 'Proposed Site Plan' (Drawing No. 152481-STL-XX-00-DR-A-XX-PL_0002), it appears the proposed development would be situated outside the protection zones of these public sewers.

Therefore, in principle, we offer no objection to this application for approval of reserved matters or discharge of condition 16 on the original outline planning permission in the process.

Drainage Engineer - The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

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

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

Highway Observations –

Background

This application relates to the approval of the reserved matters for the next phase in the development of the University of Wales Trinity St David's Swansea Waterfront Innovation Quarter, comprising a new proposed mixed business and education facility on the SA1 peninsula.

The development site sits to the immediate West of the phase 1 development, and occupies part of the site compound for the initial build and part of an existing car park.

Outline permission 2015/1584 was approved in 2016 contained the revised masterplan proposals for the Swansea Waterfront Innovation Quarter. Phase 1 reserved matters were approved under application number 2016/3469/RES.

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In support of the masterplan a comprehensive Transport Assessment was submitted with the 2015 application which contained a package of enhancements which were agreed with the Highway Authority to mitigate the development effects and to be funded via a section 106 contribution of £200,000 payable on transfer of students into the phase 2 development.

Proposals

The development proposal seeks to construct a new 2 storey building of 3000m² on land adjacent to the existing phase 1 development fronting King's Road.

The applicant has submitted a further Transport Statement to accompany the application which seeks to examine the highway and transport matters associated with the proposed development, together with a parking study which examines existing car park capacities, and potential demand.

Sustainable Travel

The site location is highly sustainable, forming part of the wider SA1 redevelopment scheme. It is well located with regard to the city centre, local facilities and student accommodation.

A range of facilities are located within reasonable walking distance, and the National Cycle Network (NCN4) runs along the seafront and Fabian Way for cycle trips farther afield.

SA1 is served by a regular bus service, and the high frequency Singleton to Bay Campus Services run along Fabian Way. It is noted however that bus usage could be increased if services accessed the peninsular itself.

Vehicular Access

Even given the sustainable nature of the site, some visitors will still require to access by private car. Access to the site will be gained from King's Road, a car parking study has been provided, which compares existing use and accumulation to the anticipated demand. For robustness the trip rates used in the previous Transport Assessment have been used, even post pandemic UWTSD confirms part of its teaching will remain online.

The development is proposed to attract a maximum of 7 additional trips an hour 2 way, and as such will have no material impact on the surrounding highway network.

Parking

Part of the development footprint will be on land currently used as a temporary car park, this will result in the loss of 51 spaces. No additional parking is proposed as part of the scheme, and the submitted car parking study demonstrates the existing parking provision offers sufficient capacity to cater for the proposed level of development and the additional staff and students it will attract.

The applicant has correctly applied the SPG sustainability matrix, and it is agreed the site qualifies for a 20% reduction in the total number of spaces provided particularly given the agreed contribution towards the Fabian Way corridor study package of measures.

Prior to the pandemic UWTSD operated a pro-active management scheme for the car park including permits for access to the car park, and other initiatives such as pre-booking, car sharing and car clubs to further reduce single occupancy trips.

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It is currently thought that a proportion of teaching will remain online into the future, however UWTSD confirms usage will be monitored and the system can be reintroduced.

Cycle parking both long and short stay is proposed in accordance with the SPG.

Travel Plan

A comprehensive Travel Plan and Parking Strategy is in place for the Phase 1 development, this was approved under application 2018/1808/DOC, and should be updated to account for the new development phase.

The Highway Authority has no objections to the application.

Additional Comment

With reference to the agreed S106 contribution of £200k which was earmarked for an additional at grade crossing over Fabian Way, it is not thought that an additional mid-block crossing would provide sufficient utility, to justify the level of spend. In addition it would require the removal of a significant portion of living fence on Fabian Way, which was introduced successfully to address specific road safety issues on the corridor.

The monies would be better allocated to improvement of the existing facilities at the Fabian Way gateway junction, this would comprise amendments to the inbound bus lane and left turn lane on Fabian Way, which would allow the Langdon Road Toucan crossing (NCN4), to operate during the main road stage significantly reducing delay to pedestrians and cyclists, and generate additional capacity. In addition the crossings would be converted to PEDEX (countdown) type, this type of control has been found to increase pedestrian comfort, particularly at sites with multiple lanes to cross. In order to comply with the regulations, the left-right stagger should be increased to reduce the chance of see through.

These measures would complement a similar scheme at the Fabian Way / King's Rd junction, funded from the plot A1 student development.

These measures would cost in the region of £150k, with the remaining £50k to be allocated to improving cycling permeability of the SA1 site, including links to Park and Ride provision on Fabian Way.

Placemaking

This Reserved Matters application for a large format university building following on from the approved masterplan updated via application ref 2015/1584.

The outline Masterplan sets a range of parameters for this site:

- Land Use: Education and commercial
- Height: 4-5 stories

The outline Design Code also sets objectives for the SA1 area:

- A welcoming place of connected streets and squares
- A place with distinct focal points and distant views
- Human scale protected built environment and natural environment
- Carefully modernised industrial heritage

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- Vibrant human activity
- An individual and quirky character

The outline Architectural Code is also relevant:

- Metal sheet cladding - emphasised in the dockside character area;
- Large areas of glazing

The site is currently a vacant plot in the SA1 peninsular area alongside the recently constructed UWTSD buildings including the Library and Innovation Quarter building. These are substantial brick buildings referencing warehouse dock buildings in a contemporary manner.

The site is located within the dockside character area as defined in the masterplan and the design code includes examples of large scale contemporary warehouse forms with active frontages and architect interest as precedent.

This is a Swansea Bay City Deal project known as the Innovation Matrix which is focused on start-up businesses with the aim of fostering entrepreneurship through close links with academia.

The proposal makes reference to warehouse forms in a contemporary manner to create a flexible space with an internal learning street with active frontages to the north and south with entrances and double height glazing. The spaces internally are designed to be flexible for a range of university related activities.

The form of the proposed Innovation Matrix building clearly references warehouse forms as does the use of materials in accordance with the outline design code and architectural code. The clerestory roof form adds external interest, emphasises the internal learning street and practically allows for natural lighting and ventilation to the core of the building. The profile metal cladding with large scale graphics are an integral part of the contemporary reference to warehouse character drawing on the identity of the docks area and reflecting the research and knowledge exchange innovations within the building. Note that the large scale signage graphics on the building will require separate advertisement consent. The development includes PV panels on the roof and is states to be a low carbon building.

The south elevation of the Innovation Matric building will enclose and define the north side of Trinity Square with active frontage and views into internal learning street. The east and west elevations onto side streets are not active due to the requirement for planted SUDs drainage areas. The north elevation will add active frontage onto Kings Road.

The outline masterplan shows an east west mews street splitting this area. This was omitted in earlier reserved matters phases for adjacent sites and is not considered necessary for the current proposal.

The building comprised two commercial floors each of circa 4m floor to ceiling with high parapets and central clerestory rising above. The overall height to the clerestory roof ridge is circa 12m above ground level. This is the equivalent to a 4 storey residential building of 3m floor to floor and is considered acceptable in the context of the masterplan 4-5 storey height requirements. Plus the scale of circa 10m to the parapets gives a good urban scale to the side streets and the south gable has a suitable scale onto Trinity Square.

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The site currently includes the main cycle parking shelter for the campus. The DAS indicates that this cycle parking shelter is to be relocated to an area on the north side of the library within the application red line, however there are no drawn proposals for this. Therefore to support active travel it will be important to ensure the bike shelter is relocated and available for use prior to construction - this can be required via condition.

Therefore the proposals are supported.

Conditions are required to address:

- Material samples
- Large scale drawn details of key architectural elements
- Relocation of cycle shelter to be available for use before construction starts

APPRAISAL:

The Proposal

As it indicated, this reserved matters submission to planning permission 2015/1584 seeks approval of the details for a new education (use class D1) and business (use class B1) building to be constructed to the west of the UWTSD's Faculty of Architecture, Computing and Engineering (FACE) & Technology Building (now known as the IQ Building) and north of the Library (Y Fforwm) facing Kings Road.

Main Issues

The main material planning considerations for the proposed development are as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance including established planning history;
- Townscape / Urban Design;
- Highways / Car Parking.

Development Plan and Relevant Policies

National Planning Policy and Guidance

Future Wales - The National Plan 2040 - 24 February, 2021

Planning Policy Wales (PPW - Edition 11 (Feb. 2021),

Technical Advice Note 12 - Design

Swansea Local Development Plan

The Development Plan for the area is the Swansea Local Development Plan (Adopted February 2019) and within which the following policies are considered to be relevant to your proposal:

- Placemaking and Sustainable Policies PS1, PS2, PS3 & PS4;
- Strategic Development Areas - SD1, SD2 & SD K SD K: Fabian Way Corridor SD area Site K is allocated for mixed commercial, residential and employment development with 12 hectares of potential development areas that could accommodate appropriate B1, B2 and B8 uses to complement the role of the Swansea Central Area as the City Region economic driver, facilitating an Innovation Corridor to support University expansion and includes the SA1 Swansea Waterfront area which has a masterplan linked to the existing SA1 planning consent that sets out uses for specific plots and capacities for various land uses. Development proposals will be required to accord with the outlined Placemaking Principles and Development Requirements including:

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- i) Create sustainable residential (Use Class C2 and C3) neighbourhoods in appropriate locations with community facilities and necessary infrastructure.
- ii) Structure development around a new spine street which prioritises Active Travel and public transport linking Swansea University's Bay Campus back to Swansea City Centre via the SA1 Innovation Quarter of University of Wales Trinity St David (UWTSD).
- iii) Developments at the City's eastern gateway should respond to the gateway location, include active frontages, and make strong architectural statements with enhanced public realm which creates a sense of urban approach.
- iv) The eastern Waterfront, City Approach, Spine Street and other areas of public realm should be defined by active frontages, a coherent building line, continuity of character, legible entrances and an appropriate urban scale of development. Street frontages will be required to combine activity and architectural quality.
- v) Create accessible sites which integrate positively with existing communities north and south of Fabian Way, public transport facilities, and Active Travel.

Developer Requirements include:

- i) Off-site highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessments;
- ii) On and off-site measures to provide good quality, attractive, legible, safe and accessible pedestrian and cycle linkages, both to and within the new development area;

Other Policy Requirements:

- IO 1 - Supporting Infrastructure;
- Ecosystem and Resilience: ER1:Climate Change; ER2: Strategic Green Infrastructure Network; ER9: Ecological Networks and Features of Importance for Biodiversity.
- Transport, Movement and Connectivity: T1 - Transport Measures and Connectivity; T2 - Active Travel; T5 - Transport Design Principles; T6 - Parking

Supplementary Planning Guidance (SPG):

SPG relevant to the proposed development as follows:

- Parking Standards (Adopted March 2012);
- Planning Obligations (Adopted March 2010);
- Planning for Community Safety (Adopted December 2012);
- Development and Biodiversity (Feb. 2021)

Additionally, consideration will need to be given to specific SA1 area based SPG & other Strategies:

- Port Tawe and Swansea Docks - Supplementary Planning Guidance (12th September 2002);
- SA1 Swansea Waterfront Design and Development Framework (August 2004);
- Fabian Way Innovation Corridor Masterplan Framework: Working Draft (Oct. 2015);

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Development Plan Policy

As detailed above, the principle of the development for the range of uses proposed within SA1 was originally established by the outline planning permission under 2002/1000 and the more recent subsequent Section 73 permission under ref:2015/1584 to incorporate the aspirations of UWTSD to deliver the 'Swansea Waterfront Innovation Quarter' with the University at its heart.

Future Wales Policies 1 and 2 supports sustainable growth in the National Growth Areas of Swansea Bay and Llanelli. Policy 28 states that Swansea Bay and Llanelli will be the main focus for growth and investment in the South West region.

Planning Policy Wales (Edition 11, 2021) is the Welsh Government's principal statement of national policy and sets out the land use planning policies that should be taken into account by local planning authorities in Wales and may be material to decisions on individual planning applications. PPW identifies that the goal of the land use planning system in Wales is the creation of Sustainable Places and seeks places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly (2.2 and 2.3).

PPW refers to supporting the growth of output and employment in Wales by ensuring that there is no shortage of land for economic uses (para 5.4.1). PPW recognises that any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. "Sustainable Development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Paragraph 2.8 states that decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

Paragraph 5.4.16 is particularly relevant to the proposals and states: Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit...Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education.

LDP Policy PS1 (Sustainable Places) states that 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. Policy PS 2 (Placemaking and Place Management) requires developments to enhance the quality of places and spaces and should accord with relevant placemaking principles. Policy PS 4 (Sustainable Employment Strategy) refers to supporting opportunities for business growth and identifies the potential for the creation of 13,600 additional jobs over the Plan period.

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The general land use principle within SA1 has therefore been established and further support is now given to the principle of a major redevelopment area at SA1 for mixed employment and residential development through the Strategic Development LDP Policy SD: and aims to reinforce the identity of the Swansea Bay City Region's emerging knowledge and innovation economy by supporting the development of a local knowledge Economy Cluster, which will complement the City Centre regeneration aims and provide employment opportunities and economic benefits of the City Region. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area was intended to incorporate the majority of the University's facilities with a range of complimentary uses.

The SA1 Masterplan approved under the Sec 73 application under ref: 2015/1584 highlights that the site straddles plots PC and PJ of the approved masterplan where education and 3rd party commercial uses are identified. So in terms of proposed land use - emerging businesses and industries predominantly B1 / potential education D1 overlap then in principal the proposed uses would be compatible. The Masterplan also restricts buildings heights - indicating a maximum heights of 4 / 5 stories with a caveat that floor to floor heights will vary depending on the building use. Whilst the proposal would comprise of a warehouse type building accommodating a two storey modular type accommodation internally, the proposal would generally sit within the general parameters set by the masterplan.

Urban Design

The permission under ref:2015/1584 was supported by a Design and Development Framework which consists of a Part 1 Planning, Design and Access Statement and a Part 2 Design & Framework Design Code. The documents provide the urban design framework, in conjunction with the conditions of the outline planning permission, Development Plan Policies and adopted SPG, for the determination of future applications to ensure a high standard of urban design. As indicated, the revised Masterplan proposals under 2015/1584 indicate the principal land uses and building heights, which in respect of Plots PC and PJ indicate education and 3rd party commercial uses, and so in terms of proposed land use - emerging businesses and industries predominantly B1 / potential education D1 overlap then in principal the proposed uses would be compatible. Within the Design Code, the plot is located within the Peninsula character area for proposed University academia / education use. The Masterplan also restricts buildings heights - indicating a maximum heights of 4 / 5 stories with a caveat that floor to floor heights will vary depending on the building use. The warehouse type building accommodating a two storey modular type accommodation internally, the proposal would generally sit within the general parameters set by the masterplan. Reference is also made to the importance of active frontages onto Kings Road (large glazed entrance) / Trinity Gardens - the latter being the primary frontage incorporating a café or 'street facing seating'. The Design Code gives recognition of movement / access around the building with reference to 'dockside' / warehouse architecture and in this regard the materials would need to be considered within the context set by the Design Code and surrounding development.

As outlined in the Placemaking comments above, the building is designed as a robust response to the industrial, engineering and dockside character of Swansea. The building will incorporate a large open span with regular window opening along the long façades east and west. Large openings to the north and south allow the public to visually engage with the activities within the building and providing a semi-active frontage.

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The building is articulated and designed with a distinct individual expression and character, which will reflect the robust industrial character of the site. The Innovation Matrix responds to the Essential Qualities of the Design Code in the following ways:

- Robust industrial materials and form capturing Swansea's industrial heritage.
- Internally flexible bays allowing for a high degree of adaptability and uses.
- The building addresses to Kings Rd to the north and the existing Trinity Gardens forming a Link form the main access route through the site and the heart of the campus.
- Large windows at the north and south and regular opening along the façades allow for good visibility both from within the building and for pedestrians in the surrounding area.

The Innovation Matrix is designed with a limited palette of materials - primarily metal cladding and curtain wall glazing. The metallic panels are proposed to have a textured trapezoidal pattern similar to that of the existing industrial buildings but in contrast to the brick façades of the surrounding buildings, the Innovation Matrix is proposed to be in the majority metal clad. The eastern and western facades are in keeping with the industrial heritage of the docks with the north and south elevations in contrast to the east and west are left predominantly open with large glazed sections. These elevations are the primary entrances to the building linking Kings Road to the North and Trinity gardens to the south.

The proposed development will integrate with the landscape scheme developed during the first phase of the campus development. In the immediate area surrounding the building a new wet garden and series of tree pits are proposed as part of the sustainable drainage strategy. Condition 20 of planning permission 2015/1584 requires ecological mitigation measures to be incorporated into the detailed development proposals and implemented as approved in respect of the of the University of Wales Trinity Saint David owned plots. The landscape proposals include new trees and planting which will provide biodiversity enhancements in accordance with LDP Policy ER9.

Highways and Car Parking

The traffic impact of the SA1 development was considered under the Section 73 approval, and the principle of the proposals is generally considered acceptable in this location, subject to safe and appropriate design of access and masterplan circulation.

SA1 Swansea Waterfront currently has a number of temporary car parks available for use, and these are generally intended for future development. There is an extant planning permission for a multi-storey car park on Plot A9 but has yet to be delivered, and UWTSD as part of their Masterplan are planning to construct two multi-storey car parks as part of their phased development. The Section 73 Ref: 2015/1584 permission is subject to a planning condition requiring a car parking strategy to be implemented to ensure that adequate car parking facilities are provided as part of the proposed development programme to serve the academic proposals in addition to the other commercial/office/retail uses in the wider SA1 Area.

There are currently around 412 spaces in the existing temporary surface car park (ref:2022/0921/FUL). The construction of the Innovation Matrix building will result in the loss of approx. 50 car parking, however, this will be compensated for within the existing temporary surface car parking area. However, the long term car parking strategy which envisaged the provision of a MSCP within the SA1 Masterplan will need to be considered as part of the future development proposals in conjunction with UWTSD'S joint venture partner.

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Section 106 Planning Obligation - Ref: -2015/1584

The Section 106 Planning Obligation under the Section 73 approval, amongst other requirements, requires the payment of the Pedestrian Crossing Contribution (£200,000 indexed linked from 9 May, 2016) to deliver a surface level pedestrian crossing on Fabian Way. The trigger point for payment to coincide with the transfer of all students to the site as part of the "Phase 2 Academic Proposals" being defined as the "relocation of UWTSD's Townhill Campus anticipated to take place in 2022". UWTSD have now transferred all its students to the SA1 campus within the IQ & Fforwm Buildings (Phase 1), which has represented a change in the original phasing proposals, and therefore the development of the Innovation Matrix building would certainly amount to the Phase 2 proposal under the Section 106 Planning Obligation which would trigger the payment of the Pedestrian Crossing Contribution.

This is considered an appropriate time to review the requirement of the pedestrian crossing facility in conjunction with CCS Highways. The Innovation Matrix would represent the commencement of the phase 2 stage (effectively the trigger for the payment), although it is noted that the relocation of students from Townhill has already taken place, albeit as part of the phase 1 development. Whilst the University has transferred, or is in the process of transferring the majority of its SA1 landholdings to a joint venture partner, the University must acknowledge its commitments as part of the S106 Planning Obligation.

In discussion with CCS Highways, the provision of the pedestrian crossing contribution has been reviewed, and it is concluded that the additional at grade crossing over Fabian Way is not thought to justify the level of spend, as it would require the removal of a significant portion of living fence on Fabian Way, which was introduced successfully to address specific road safety issues on the corridor.

CCS Highways has suggested that the payment would be better allocated to improvement of the existing facilities at the SA1 / Fabian Way gateway junction, this would comprise amendments to the inbound bus lane and left turn lane on Fabian Way, which would allow the Langdon Road Toucan crossing (NCN4), to operate during the main road stage significantly reducing delay to pedestrians and cyclists, and generate additional capacity. These measures would cost in the region of £150k, with the remaining £50k to be allocated to improving cycling permeability of the SA1 site, including links to Park and Ride provision on Fabian Way.

Flood Risk / Levels

NRW has confirmed that under the current Flood Risk Map, the site is within Zone A of the Development Advice Map contained in Technical Advice Note (TAN)15, although under the future Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Sea).

Given that this is a reserved matter to the extant outline planning permission, then the proposal is a justified development under TAN 15. The Flood Consequences Assessment (FCA) submitted with ref: 2015/1584 indicates that new extreme water level estimates have now produced. The extreme flood level for T1000 year period has been assessed as 6.83m AOD, and indicates that this should form the minimum recommended floor level for the development. The FCA indicates that any areas in the proposed development with floor levels below 6.83m would need to be raised above this level.

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However, the FCA states that in line with NRW guidance, the finished floor level for commercial development would need to be set at a minimum 7.13m AOD and for residential development the finished floor level would need to be set at a minimum of 7.50m AOD in order to satisfy TAN 15 guidelines. The proposed finished floor level of 7.20m AOD would be consistent with the agreed flood risk level in the latest version of the FCA and in that respect would accord with Condition 8 to ref: 2015/1584.

Sustainable Drainage Systems (SuDS)

Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These drainage systems for the development will require to 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.

The submitted Drainage Strategy outlines that the surface water drainage strategy for SA1 comprises separate highway and plot drainage networks with outfalls into the adjacent docks. Plot and highway surface water drainage networks have been installed within Kings Road and also the connecting north-south spine road. Both surface water networks outfall into the existing docks to the north and south-west of the plots. Due to the presence of made ground and potential risk from contamination, infiltration drainage SuDS systems are not suitable. A system of SuDs features is proposed to treat surface water using interconnected rain gardens. Surface water flows will then be discharged directly into the docks.

A foul drainage network has previously been installed within the highway network around the development plots, which outfall into storage tanks and a pumping station to the west. The existing foul network has been adopted under a S104 agreement and discharges to drop shafts on the existing Dwr Cymru Welsh Water (DCWW) deep sewer which lies below Langdon Road to the west and connects to Swansea Waste Water Treatment Works (WWTW) to the east. The existing SA1 development has Water Industry Section 106 discharge consents in place, and together with the adoptable foul drainage network, it is intended to provide for fully serviced development plots. A series of plot connection spurs are present on Kings Road in the north. Foul drainage from the plot will be connected into these spurs. Three locations have been identified, however, it is anticipated that a single discharge point will be agreed once the finalised foul connection points are known.

Planning Conditions to Permission ref:2015/1584

Details in respect to Condition 8 (levels), Condition 9 (external finishes), Condition 15 (integration of air quality, noise and vibration mitigation measures and Condition 20 (ecological mitigation measures) are incorporated into the detailed designs and additionally the application is supported by Construction Method Statement; Environmental Management Plan and Traffic Management Methodology in respect of Conditions 18, 19 and 21 which require all reserved matters applications to be accompanied by a Construction Site Waste Management Plan (CSWMP), Construction Environmental Management Plan (CEMP), and Construction Traffic Management Plan (CTMP).

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Conclusion

The scheme forms part of the University's wider and extensive capital development programme to create sector-leading learning environments for the community and is to make best value of its innovation campus through creating a focal point for learners, employers and communities, helping to drive forward innovation and economic activity within the area. The new facility will enable the University to connect its Science, Technology, Engineering and Mathematics (STEM) focused Research and Knowledge Exchange Centre with start-ups, spin-outs, world-leading Multi-National Enterprises (MNEs) and Small-Medium Size Enterprises (SMEs).

Planning policy supports the regeneration of the SA1 area and the development proposals to create the Swansea Waterfront Innovation Quarter are consistent with adopted Future Wales and Swansea Local Development Plan policies. The development of this plot will continue to be controlled by the 'UWTSD' Masterplan approved under the Section 73 approval under ref: 2015/1584, and in this respect, Plots PC and PJ have a land use allocation for where education and 3rd party commercial uses with indicative building heights of a maximum of 4 / 5 stories respectively, and in terms of proposed land use - emerging businesses and industries predominantly B1 / potential education D1 would be compatible.

In urban design terms the proposal would accord with the masterplan framework set out within this Design and Development Framework Part 1: Planning Design and Access Statement, accompanied by its Part 2 counterpart: the Design Code under ref:2015/1584, which seek to inform the opportunities presented by individual UWTSD plot developments to deliver and facilitating a vibrant, economically and environmentally sustainable and attractive mixed use development which will be instrumental in shaping the future prosperity of the University and the wider Swansea Bay City Region.

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.

In conclusion there are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended subject to a range of conditions to control the nature and form of development.

RECOMMENDATION

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

The Section 106 Planning Obligation under the Section 73 approval Ref: 2015/1584, be amended to replace the existing payment of the Pedestrian Crossing Contribution (£200,000 indexed linked from 9 May, 2016) to deliver a surface level pedestrian crossing on Fabian Way to:

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- i) The improvement of the existing facilities at the SA1 / Fabian Way gateway junction, comprising amendments to the inbound bus lane and left turn lane on Fabian Way, which would allow the Langdon Road Toucan crossing (NCN4), to operate during the main road stage significantly reducing delay to pedestrians and cyclists, and generate additional capacity. These measures would cost in the region of £150k, with the remaining £50k to be allocated to improving cycling permeability of the SA1 site, including links to Park and Ride provision on Fabian Way.
- ii) The trigger point for payment being prior to the commencement of development of the Innovation Matrix building.
- iii) The £200,000 contribution being indexed linked from 9, May 2016.

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, IO1, S18, T1, & T2 of the Swansea Local Development Plan 2010 - 2025

Conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: 152481-STL-XX-00-DR-A-PL_0001 Rev PL06 Site Location Plan; 152481-STL-XX-00-DR-A-PL_0002 Rev PL06 Proposed Site Plan; 152481-STL-XX-00-DR-A-10_010 Rev PL06 Ground Floor Shell & Core - Full Building; 152481-STL-XX-01-DR-A-10_011 Rev PL06 First Floor Shell & Core - Full Building; 152481-STL-XX-XX-DR-A-10_130 Rev PL06 Roof Plan - Full Building; 152481-STL-XX-XX-DR-A-20_010 Rev PL06 Elevations GA - Full Building; 152481-STL-XX-XX-DR-A-20_020 Rev PL06 Elevation Detail 01 - Full Building; 152481-STL-XX-XX-DR-A-20_021 Rev PL06 Elevation Detail 02 - Full Building; 152481-STL-XX-XX-DR-A-30_003 Rev PL06 Street Sections; 152481-STL-XX-XX-DR-A-PL_0003 Rev PL06 Existing Site Plan; 152481 PL_011 Rev 1 Proposed Landscape Plan; IM-JUBB-XX-XX-DR-D-500 Rev P09 Proposed Drainage Layout; WA0294-E-63-ST-001 REV P01 External Lighting Lux Plot - plans received 21 April, 2022).
Reason: To define the extent of the permission granted.
- 2 Notwithstanding the details indicated in the application, 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 development of superstructure works. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. Development shall thereafter take place in accordance with the approved details.
Reason: In the interests of visual amenity.
- 3 Prior to the commencement of any superstructure works, scaled drawings of the items listed below shall be submitted to and approved in writing by the Local Planning Authority:
 - Typical window unit & external door units within their openings including louvres;
 - External finish treatment to recessed panel areas between windows;
 - Interfaces between materials;

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- Roof edge / copings;
- PV Panels

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

Reason: In the interests of visual amenity.

- 4 Prior to the beneficial occupation of the development hereby approved, details of the ground floor glazed frontages of the building including visual transparency into the building, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details before the use commences and visual transparency shall be retained into the ground floor glazed frontages of the building at all times.

Reason: In order to provide for active frontages through visual transparency.

- 5 The development shall be completed in accordance with the Proposed Landscape Plan - 152481 PL_011 Rev 1 which shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development.

- 6 Notwithstanding the details indicated on any of the approved plans, the use of the building hereby approved shall not commence until the precise design and materials for the cycle storage and refuse storage have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage areas shall be completed in accordance with the approved details prior to the use of the building commencing.

Reason: In the interests of the visual amenities of the area.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [Future Wales Policies 1, 2 and 28; Planning Policy Wales (Edition 11, 2021); Placemaking and Sustainable Policies PS1, PS2, PS3 & PS4; Strategic Development Areas - SD1, SD2 & SD K SD K: IO 1 - Supporting Infrastructure; Ecosystem and Resilience: ER1:Climate Change; ER2: Strategic Green Infrastructure Network; ER9: Ecological Networks and Features of Importance for Biodiversity. Transport, Movement and Connectivity: T1 - Transport Measures and Connectivity; T2 - Active Travel; T5 - Transport Design Principles; T6 - Parking]
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Item 7

Application Number:

2022/1167/FUL

Ward:

Llangyfelach - Area 1

Location: 33 Heol Waun Wen, Llangyfelach, Swansea, SA6 6FD

Proposal: Single storey side extension and two storey rear extension

Applicant: Mr Mark Tribe



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Background Information

Site History

App Number	Proposal	Status	Decision Date
2022/1167/FUL	Single storey side extension and two storey rear extension	PDE	

Background

This application is being reported to Planning Committee as the applicant is a Councillor.

The plans originally submitted with the application have been amended due to officer concerns regarding the potential impact on the amenities of No.31 Heol Waun Wen. This is addressed later on in the report.

Site Description

The application site comprises a 2 bed semi-detached property located at No.33 Heol Waun Wen in Llangyfelach. The property benefits from side parking and has a rear amenity area. The immediate neighbouring properties on either side are No.31 Heol Waun Wen and No.35 Heol Waun Wen.

Description of Development

Planning permission is sought for a two storey rear extension and single storey side extension.

In terms of the rear extension, this would project 3.5m from the current rear elevation of the house. The single storey part would be 3.9m wide and the first floor element would be 3.1m wide. The design would include a rear facing gable with double pitched roof in keeping with the current appearance of the dwelling. The ground floor would serve as a kitchen and the first floor would be an en-suite to a back bedroom. The height to the ridge level of the roof would be 7.1m and approximately 1.0m below the main ridgeline of the house. As a result of adding the first floor rear element of the extension, the current rear facing window associated with the back bedroom would be lost. Hence, the proposal sees the introduction of a first floor side window and an additional rear window to serve this room.

With regard to the single storey side extension, this would be 1.4m wide and 3.5m in length. It would have a mono-pitched roof rising to a height of 3.5m. In addition to the ground floor rear part of the proposal, this would serve as extra kitchen space.

Relevant Planning Policy

Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs.

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales (Edition 11) February 2021

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals, at all scales.

Swansea Local Development Plan (LDP) (2010-2025)

Policy PS 2 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." It continues "[a]ll proposals should ensure that no significant adverse impacts would be caused to people's amenity."

Paragraph 2.2.11 of the LDP states "poor design not only detracts from the character and appearance of an area, but can harm neighbour's quality of life. Potential impacts on people's amenity will be assessed by considered elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements."

Policy 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.

Supplementary Planning Guidance

The Council's Biodiversity and Development (2021) SPG provides guidance to augment Policies ER6, ER8 and ER9 of the LDP, and provides clarity on the interpretation of those policies, in order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. The document sets out the requirement to follow the stepwise approach in relation to the consideration of developments including, where necessary, the requirement for ecological mitigation and enhancement measures. This aligns with the Council's duties under s.6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well Being of Future Generations Act 2015, and is consistent with National Development Plan (Future Wales) Policy.

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Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent on 19th May 2022.

2 LETTERS OF OBJECTION were received making the following comments:

- Overbearing impact.
- Overlooking / loss of privacy.
- Loss of light.
- Inaccurate plans.
- Possible damage to foundations.

Re-consultation on amended plans took place on 15th June 2022.

ONE LETTER OF OBJECTION has been received. This re-iterates the concerns raised previously.

APPRAISAL

Main Issues

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, as well as 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.

Visual Amenity

The design, scale and massing of both the rear and side extensions are considered to represent a visually acceptable addition to the dwelling and are not deemed to detract from the character of the host property or streetscene. Whilst it would be preferable to have a window in the front facing elevation of the side extension, given its setback and location at the end of a cul-de-sac, it is not considered that the proposal would have a detrimental visual impact.

In light of all of this, the proposals are considered to have an acceptable impact on visual amenity in accordance with Policy PS 2 of the LDP.

Residential Amenity

As noted in the background section of the report, the proposals have been amended following concerns of overlooking into the neighbouring property from the relocated bedroom window on the side elevation. This was considered to allow capacity for overlooking of the rear garden of No.31. However, the amended scheme incorporates a narrower window in the far corner of the proposed bedroom. As a result, when standing in most parts of the room, capacity for overlooking of the rear amenity space associated with No.31 would not be feasible.

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These alterations do cause concern in terms of the outlook from the window, and room in general, given the side elevation of No.31 would be situated immediately opposite. A secondary window has been proposed on the rear elevation to increase outlook from the room, albeit that this would directly abut the proposed extension. Whilst the proposal would result in two small windows serving this bedroom, it is considered that the outlook would be acceptable on balance and no increased overlooking concerns are raised.

In addition, there are no concerns that an overbearing impact would arise from the rear extension or that an unacceptable effect in terms of overshadowing or loss of light would be caused. Furthermore, the proposed rear extension is not considered to raise unacceptable privacy implications in regard to these residents. Finally, the proposed side extension does not raise residential amenity concerns.

In its relationship to the proposal property, No.35 Heol Waun Wen is the other half of the semi. This dwelling has been extended at the rear in the form of a single storey extension. The proposed two-storey rear extension would project a similar distance to this. As a result, the physical effect to the ground floor rear of No.35 would be mitigated by the presence of the current single storey extension. At first floor rear, No.35 has a single window serving a bedroom. As a guideline to assess the potential sunlight and daylight lost and shadow cast in respect of this window, the 45 degree test is used. This relates to a line taken at 45 degrees from the centre of the neighbouring window toward the extension. It should be noted that inability to adhere to this test does not necessarily mean a proposal is unacceptable but further consideration is required of the orientation and degree of breach. The circumstances in each case need to be considered. Whilst the plans show there to be no breach, they misrepresent the accurate layout of next door. Having assessed the first floor element of the proposed extension in this instance, it is acknowledged that the 45 degree angle would be compromised near to the 3.0m point of the length - which equates to a compromise of 0.5m.

However, the effect of this would be to the first floor only and mainly in the earlier part of the day. It is not considered that outlook from this window would be unacceptably affected given the overall scale and design of the extension, the level of breach and neither would the physical effect of the extension to this window be so great as to warrant concern given the orientation. Concerns of the impact of the proposal on the rooflight are noted and again, would occur in the earlier part of the day, but it is not considered that this impact would be sufficient to a rooflight to warrant a refusal given the level of glazing on the rear elevation.

In terms of privacy matters, one of the rear facing windows within the first floor would be conditioned to contain obscure glazing and open at top level only. There would be a further first floor window at the rear, but this does not raise overriding issues as noted earlier. In addition, the single storey side extension does not raise amenity issues. As such, overall, it is not considered that an unacceptable effect to the amenities of these occupiers would arise.

In addition to the above residences, the rear boundaries of properties on Swansea Road adjoin the rear boundary of the application site. However, there are no concerns of a harmful impact being caused to the amenities of these occupiers provided obscure glazing is installed in the rear elevation of the extension. Concerns over damage would be a separate civil matter.

The proposal is therefore considered acceptable in terms of its impact on residential amenity on balance.

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Access and Highway Safety

Whilst the proposed side extension would affect parking at the side of the house, this does not raise an overriding issue. Parking capacity would not be totally removed at the side of the property and a side extension could be built at this location as "permitted development" under the provisions of the Town and Country Planning (General Permitted Development) Order. As such, the applicant could lawfully construct at the side of the house which meets the relevant criteria at any point and the Council as the Local Planning Authority would have no control over this.

Ecology and Ecological Enhancement

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

Conclusion

Having given due regard to all relevant material factors, and on balance, the proposal is considered to be acceptable in respect of Policy PS 2 (Placemaking and Place Management) of the Swansea Local Development Plan (2010-2025).

Regard has also 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"). As part of the assessment of this application, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act to ensure that the 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.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, block plan received 18 May 2022. Proposed floor plans and elevations Rev 2 received 15 June 2022.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the submitted details and prior to the first beneficial occupation of the development, the proposed rear window at first floor to serve the en-suite shall be fitted with obscured glazing to a minimum level 3 and any part of the window that is less than 1.7m above the internal floor level of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.
Reason: In the interests of conserving the amenity of neighbouring properties and to ensure a suitable standard of design.
- 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 Measures shall 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 Ecological Enhancement Measures on site in accordance with Policy 9 of Future Wales and ER9 of the Swansea Local Development Plan (2010-2025).

Informatives

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

The local 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: PS 2, T 6, ER 9.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 3 **Development Low Risk Area - Standing Advice**
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
 - 4 Please note that the Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls / roofs, the provision of hibernacula in the garden for animals, a pond or native planting / wildflowers in any landscaping scheme. The above are provided as an example and are not an exhaustive list.
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