



**Dinas a Sir Abertawe**

**Hysbysiad o Gyfarfod**

Fe'ch gwahoddir i gyfarfod

## **Pwyllgor Cynllunio**

**Lleoliad:** Siambr y Cyngor, Neuadd y Ddinas, Abertawe

**Dyddiad:** Dydd Mawrth, 3 Ebrill 2018

**Amser:** 2.00 pm

**Cadeirydd:** Cyngorydd Paul Lloyd

**Aelodaeth:**

Cyngorwyr: C Anderson, P M Black, L S Gibbard, M H Jones, M B Lewis,  
R D Lewis, P B Smith, A H Stevens, D W W Thomas, L J Tyler-Lloyd a/ac T M White

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Mae croeso i chi ddefnyddio'r Gymraeg. Os dymunwch ddefnyddio'r Gymraeg, rhowch wybod i ni erbyn canol dydd ar y diwrnod gwaith cyn y cyfarfod.

### **Agenda**

**Rhif y Dudalen.**

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.abertawe.gov.uk/DatgeliadauBuddiannau](http://www.abertawe.gov.uk/DatgeliadauBuddiannau)
- 3 Cofnodion.** **1 - 4**  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
- 4 Eitemau i'w gohirio/tynnu'n ôl.**
- 5 Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** **5 - 200**
- 6 Cymeradwyo drafft adolygiad ardal cadwraeth Mumbles ar gyfer ymgynghoriad y cyhoedd a hapddalwyr.** **201 - 259**

**Cyfarfod Nesaf:** Dydd Mawrth, 1 Mai 2018 ar 2.00 pm

**Huw Evans**  
**Pennaeth Gwasanaethau Democraidd**  
**Dydd Llun, 26 Mawrth 2018**

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**Cyswllt: Gwasanaethau Democraidd - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 6 March 2018 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

**Councillor(s)**

C Anderson  
M H Jones  
A H Stevens  
T M White

**Councillor(s)**

P M Black  
R D Lewis  
D W W Thomas

**Councillor(s)**

L S Gibbard  
P B Smith  
L J Tyler-Lloyd

**Apologies for Absence**

Councillor(s): M B Lewis

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### 61 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interest was declared:

Councillor M H Jones declared a personal & prejudicial interest in Planning Application No.2018/0191 (Item 9) – My husband has made comments against the proposal and left prior to discussion.

### 62 Minutes.

**Resolved** that the Minutes of the Planning Committee held on 6 February 2018 be approved as a correct record.

### 63 Items for Deferral/Withdrawal.

**(Item 7) Planning Application 2018/0119/FUL - Conversion of existing building and construction of single storey side extension to provide 13 no. student residential units at Twizzle Lodge , Hawthorne Avenue, Uplands, Swansea.**

Application withdrawn by applicants.

### 64 Determination of Planning Applications under the Town & Country Planning Act 1990.

A series of planning applications were presented on behalf of The Head of Planning & City Regeneration.

Amendments/updates to this schedule were reported and are indicated below by (#)

**Resolved**

1) that the undermentioned planning applications **Be Approved** subject to the conditions in the report/and or indicated below(#):

**#(Item 1) Planning Application 2013/1403 - Partial demolition (roof & internal areas) of the former Castle Cinema (Laserdome) and conversion from Class D2 (Assembly & Leisure) to a mixed use development incorporating 2 no. commercial units (Class A1 / A2 / A3) at lower ground floor (on the Strand), 1 no. commercial unit (Class A1, A2 / A3) at ground floor / first floor (to Worcester Place), with 58 student study bedrooms within 11 cluster flats together with external alterations including new window openings & new roof construction at Former Castle Cinema, Worcester Place, Swansea.**

A visual presentation was provided.

John Skinner(Cinema Theatre Association Wales), Moira Lucas(agent) and Richard Jones(owner) addressed the Committee.

Additional Condition added as follows:

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

**(Item 2) Planning Application 2013/1405 - Partial demolition (roof & internal areas) of the former Castle Cinema (Laserdome) and conversion from Class D2 (Assembly & Leisure) to a mixed use development incorporating 2 no. commercial units (Class A1 / A2 / A3) at lower ground floor (on the Strand), 1 no. commercial unit (Class A1, A2 / A3) at ground floor / first floor (to Worcester Place), with 58 student study bedrooms within 11 cluster flats together with external alterations including new window openings & new roof construction (application for Listed Building Consent) at Former Castle Cinema, Worcester Place, Swansea.**

Application approved subject to referral to CADW for decision.

**#(Item 4) Planning Application 2017/2641/S73 - Application under Section 73 to vary conditions 1 and 32 of Planning Permission 2014/1946 granted 15th September 2017 to amend the building parameters and detailed design strategy relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore at Land At Mumbles Headland, Pavilion And Foreshore, Mumbles Road, Mumbles, Swansea.**

A visual presentation was provided.

John Powell(objector) addressed the Committee.

Councillor M A Langstone(Local Member) addressed the Committee and sought clarity on behalf of residents on the potential impact of the proposed amendments, particularly on the need for the protection of the lighthouse view and aspect.

Report updated as follows:

Late Letter from Natural Resources Wales reported.

Late Letter of objection from Mumbles Community Council reported.

7 late letters of objection reported.

**#(Item 5) Planning Application 2017/2665/RG3 - Demolition of existing buildings and construction of new Pupil Referral Unit (to be known as Swansea PRU) and associated access, parking and landscaping. (Council Development Regulation 3) at Land To The Rear Of Cockett House , Cockett Road, Cockett, Swansea.**

A visual presentation was provided.

Condition 21 amended as follows:

So that the words "the provision of a pedestrian crossing" are omitted from the condition.

**#(Item 6) Planning Application 2018/0036/FUL - Change of use from residential (Class C3) to 6 bed HMO (Class C4) at 6 Brynymor Road, Brynmill, Swansea.**

A visual presentation was provided.

Councillors I E Mann, P N May, N J Davies & M Sherwood(Local Members) addressed the Committee and spoke against the application.

Report updated as follows:

An additional petition of objection containing 31 signatures was reported.

**(Item 9) Planning Application 2018/0191/FUL - Retention of detached outbuilding in front garden at 489 Gower Road, Killay, Swansea.**

Rob Hesketh(objector) addressed the Committee.

Council J W Jones(Local Member) addressed the Committee and spoke against the application.

A visual presentation was provided.

2) that the following applications **Be Refused** for the reasons outlined below:

**#(Item 3) Planning Application 2017/1429/FUL - Demolition of existing structure and construction of a 3 storey building to provide 72 bedroom student accommodation units (studios & cluster flats), access from Miers Street, landscaping and car & cycle parking at Former Cape Horner Public House, Miers Street, St Thomas, Swansea.**

A visual presentation was provided.

David Edwards(objector) and Phil Baxter(agent) addressed the Committee.

Councillors J A Hale & C E Lloyd(Local Members) addressed the Committee and spoke against the application.

Application refused contrary to officer recommendation for the following reasons:

1) The proposed development, in an out of City Centre location, by reason of its scale, form and relationship with existing residential dwellings, will introduce a harmful concentration of student accommodation into the area which will have a negative impact upon the residential amenities and social cohesion of the local community contrary to the requirements of Policies EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9 November 2016) of creating sustainable and inclusive mixed communities.

2) The proposed development, by reason of its scale, design and nature, will have an unacceptable impact upon the character and appearance of the residential area having regard to the local context of terraced residential housing, which will have a detrimental visual impact within the street scene contrary to the requirements of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted November 2008).

**#(Item 8) Planning Application 2018/0161/FUL - Change of use from residential dwelling (Class C3) to six bedroom HMO (Class C4) at 199 St Helens Avenue, Brynmill, Swansea.**

A visual presentation was provided.

Councillors I E Mann, P N May, N J Davies & M Sherwood(Local Members) addressed the Committee and spoke against the application.

Report updated as follows:

An additional petition of objection containing 17 signatures was reported.

Application refused contrary to officer recommendation for the following reason:  
The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helen's Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9, November 2016) of creating sustainable and inclusive mixed communities.

The meeting ended at 4.25 pm

**Chair**

# Agenda Item 5

City and County of Swansea  
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration  
to Chair and Members of Planning Committee

DATE: 3<sup>rd</sup> April 2018

<b>Bay Area</b> Team Leader Liam Jones - 635735	<b>Area 1</b> Team Leader: Ian Davies - 635714	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Planning & City Regeneration



## Two Stage Voting

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 77 and 78 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## Contents

Item	App. No.	Site Location	Officer Rec.
1	2017/2441/RES	Land At Upper Bank , Pentrechwyth, Swansea, SA1 7DB <b>Residential development of 45 dwellings (details of access, appearance, landscaping, layout and scale pursuant of planning permission 2006/1902 granted 6th July 2012 as varied by Section 73 application 2014/1189)</b>	Approve
2	2018/0358/S73	Heol Pentre Bach, Gorseinon, Swansea, SA4 4ZA <b>Residential development for the construction of 41 units, including access and all other associated works - variation of condition 2 (approved plans) of planning permission 2017/0775/FUL granted 8th August 2017 to allow for addition of substation and amendment to parking for plots 3-6.</b>	Approve
3	2017/2610/FUL	Plots A15 & A16 Langdon Road, SA1 Swansea Waterfront, Swansea <b>Construction of two/ three storey private hospital (Class C2) with undercroft and surface car parking, service yard and associated access, infrastructure and landscaping works</b>	Approve
4	2018/0413/S73	Unit 5A & 5B, Parc Tawe, City Centre, Swansea, SA1 2AS <b>Section 73 application to vary Condition 3 (to allow sale of food by two users up to 3,720 sqm in total (GEA), and Condition 2, 4, 5, 6, 7 &amp; 21 (to refer to updated Site Plan - amalgamation of Units 5A &amp; 5B) and Condition 9 (to amend external finishes to Units 5A / 5B) of planning permission 2016/0662 granted 26/10/2016</b>	Approve
5	2017/2638/FUL	Plot H, Bruce Road, Fforestfach, Swansea, <b>Construction of a 4,672m2 factory (Class B2) with ancillary parking, 2 bicycle shelters, smoking shelter, switch room, service yard and landscaping.</b>	Approve



Item	App. No.	Site Location	Officer Rec.
6	2016/1478	<p>Land North Of Garden Village Swansea</p> <p><b>Hybrid planning application (with all matters reserved apart from strategic access) for residential-led mixed use development, to be developed in phases, including: preparatory works as necessary including earthworks/regrading of site levels; up to 750 residential units (use Class C3, including affordable homes); provision of 1 no. Primary school; circa 280m2 - 370m2 of flexible A1-A3 / D1 floorspace; open space including parks; natural and semi natural green space; amenity green spaces; facilities for children and young people; outdoor sports provision including playing pitches; associated services, infrastructure and engineering works including new vehicular accesses, improvement works to the existing highway network, new roads, footpaths/cycleways; landscaping works (including sustainable drainage systems), ecological mitigation works and ancillary works.</b></p>	Approve



## Planning Committee – 3<sup>rd</sup> April 2018

### Item 1 (Cont'd)

Application Number:

2017/2441/RES

#### UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV39 - 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 risk. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

### Site History

App Number	Proposal	Status	Decision Date
2017/2441/RES	Residential development of 45 dwellings (details of access, appearance, landscaping, layout and scale pursuant of planning permission 2006/1902 granted 6th July 2012 as varied by Section 73 application 2014/1189)	PDE	

## Planning Committee – 3<sup>rd</sup> April 2018

Item 1 (Cont'd)	Application Number:	2017/2441/RES	
A01/0156	An existing use or operation to include B1 & B2 uses together with sui generis uses including scrapyards, building yards, plant yards, operational bases for buses and lorries, vehicle sales and storage, agricultural machinery sales rooms and residential caravan parks	IL	05.08.2003
2015/1798	Construction of 13 two storey dwellings (details of siting, design, external appearance and landscaping pursuant to condition 01 of outline planning permission 2006/1902 granted 6th July 2012, as varied by Section 73 planning permission 2014/1189 granted on 13th October 2015).	APP	07.03.2016
2006/1902	Residential development with construction of new vehicular access off Nantong Way (outline)	S106	16.07.2012
2016/3040/DOC	Discharge of conditions 5 (access road) & 8 (flood risk mitigation scheme) of planning permission 2016/1089 granted 16th September 2016	APP	30.03.2017
2016/3121/RES	Reserved Matters application (Details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2006/1902 granted 6th July 2012)	APP	03.03.2017

## Planning Committee – 3<sup>rd</sup> April 2018

Item 1 (Cont'd)	Application Number:	2017/2441/RES
2016/3405/NMA	Non Material Amendment to reserved matters application 2016/1089 granted 16th September 2016 to allow for the relocation of footpaths/drives, the replacement of bollards with landscaping adjacent to plots 60/61 and the formation of a parking area for plot 57	APP 13.12.2016
2016/3527/FUL	Diversion of existing culvert and associated infrastructure	APP 07.04.2017
2017/0026/FUL	Construction of new highway and infrastructure works at Nantong Way (amended plans received)	PCO
2017/0546/RES	Residential development for 19 dwellings, pumping station, open space/play area and associated works (details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP 27.10.2017
2017/0935/DOC	Discharge of condition 3 (structural calculations) of planning permission 2016/3527/FUL granted 7th April 2017	APP 10.05.2017
2017/1144/S73	Variation of conditions 1 and 9 of planning permission 2016/3121/RES granted 3rd March 2017 to allow for the substitution of an engineered bank with a railway sleeper retaining wall and removal of condition 5 (Access)	INV

## Planning Committee – 3<sup>rd</sup> April 2018

Item 1 (Cont'd)	Application Number:	2017/2441/RES
2017/1291/FUL	Construction of a new pumping station and associated works	INV
2017/1881/PRE	Pre-Application - Residential Development	MIXPR E 15.09.2017
2017/2441/RES	Residential development of 45 dwellings (details of access, appearance, landscaping, layout and scale pursuant of planning permission 2006/1902 granted 6th July 2012 as varied by Section 73 application 2014/1189)	PDE
2018/0148/NMA	Non Material Amendment to reserved matters approval 2017/0546/RES granted 27th October 2017 to amend the turning head area outside plots 87-91	APP 13.02.2018
2018/0395/DOC	Discharge of condition 4 of planning permission 2015/1798 granted 7th March 2016 and condition 3 of planning permission 2016/0649 granted 19th May 2016 (external finishes of retaining wall)	PCO
2016/1089	Construction of 19 dwellings (details of access, appearance, landscaping, layout and scale pursuant to planning permission 2006/1902 granted 6th July 2012)	APP 16.09.2016
2016/1085	Discharge of condition 3 of planning permission 2015/1798 granted 18th April 2016 and condition 2 of non-material amendment 2016/0649 granted 19th May 2016 (Retaining Wall Construction Method Statement)	NOBJ 19.07.2016

## Planning Committee – 3<sup>rd</sup> April 2018

Item 1 (Cont'd)	Application Number:	2017/2441/RES
2016/0649	Non Material Amendment to Planning Permission 2015/1798 granted 7th March 2016 in respect of the residential development (amended retaining wall design)	APP 19.05.2016

### Response to Consultations

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

Summary of Other Consultation Responses:

### Highways

The application is a reserved matters application relating to the outline consent 2006/1902 which was granted in July 2012 thus the principle for residential use at the site has already been established.

This application is agreeing the site layout, house types and scale of the development together with the landscaping for 45 dwellings. Adequate parking is indicated for each plot (in line with the reduction agreed on the previous reserved matters applications (that were supported by the use of the sustainability matrix)). The geometric layout of the site is acceptable in term of site access, visibility and turning. It is assumed that the site will be offered up for adoption but a condition will be added to cover all eventualities if this is not pursued regarding either entering into a section 38 Agreement with the Highway Authority, or a private management company to take over the maintenance. Adoption of the access road is not compulsory. The turning area to the south of the site (adjacent to plot 122) looks small and as such an Autotrack will be required to show that emergency vehicles can enter, turn and leave in a forward gear.

I recommend that no highway objections are raised to the proposal subject to:

1. The parking areas as indicated being maintained for parking purposes only in perpetuity.
2. The front boundaries to the dwellings being kept below 1m in the interests of visibility.
3. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
4. The submission of an Autotrack run to show that emergency vehicles can enter, turn and leave in a forward gear on the turning facility outside plot 122 prior to works commencing on site for this phase of development.

## Planning Committee – 3<sup>rd</sup> April 2018

Item 1 (Cont'd)

Application Number:

2017/2441/RES

### Drainage

Based on the submitted surface water details sent via two emails dated 26/02 we are satisfied that the development will be drained in a sustainable manner.

### Dwr Cymru Welsh Water (DCWW)

We would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

### Natural Resources Wales (NRW)

NRW have significant concerns with the proposal as currently submitted. We require further information / clarification in relation to land contamination.

Among the document submitted in support of the reserved matters application are:

- 'Supplementary Geotechnical Ground Investigations: Land at the North of Upper Bank, Swansea (Ref: MW/12038/let12)', dated 13th July 2017, by Terra Firma (Wales) Ltd.
- 'Geotechnical and Geo-Environmental Report: Proposed Residential Development at Upper Bank, Swansea (Job No. 12038)', dated December 2012.

Having reviewed the Geotechnical and Geo-environmental Report (December 2012), by Terra Firma, we require additional clarification in relation to this latest part (Phase 6) of the development.

We consider that the 2012 report has several issues which require addressing before being considered to meet the standards required in the Developers Guide and CLR11 Model Procedures of the Management of Land Contamination.

### Pollution Control Division

My comments are similar to those provided by NRW regarding how representative the 2012 GI report is given standards in 2017. I would also like further information regarding location/coordinates for the sample locations provided as it is not clear which sample locations are actually part of this Phase of the development.

### Coal Authority

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with thick coal outcrops.



## Planning Committee – 3<sup>rd</sup> April 2018

**Item 1 (Cont'd)**

**Application Number:**

2017/2441/RES

The Coal Authority was not consulted on planning application reference 2006/1902 as the application predated the 'Risk Based Approach to Development Management'. Consequently, and on the basis that this application is for the approval of matters reserved by condition, none of which relate to coal mining legacy, The Coal Authority has no objections to this reserved matters submission.

Notwithstanding this, The Coal Authority does note the accompanying Geotechnical and Geo-Environmental Report (December 2012, prepared by Terrafirma), the content of which, through the undertaking of intrusive site investigations is able to discount risks to ground stability posed by shallow coal mine workings. This may provide the developer with some reassurance that the site is safe and stable to accommodate the development proposed, specific to this phase.

### **Appraisal**

This application is reported to Committee as it exceeds the development threshold of 20 dwelling as set out within the Council's Constitution.

The residential development site at Upper Bank was granted outline planning permission on 6 July 2012 following completion of a Section 106 Planning Obligation (Ref: 2006/1902). This permission was subsequently varied by a Section 73 application under Ref: 2014/1189.

Construction is ongoing at the site and earlier phases are now occupied. This reserved matters application is for phase 6 of the development comprising of 45 dwellings and would effectively form the last phase of the 2012 outline planning permission. Pre-application advice has been provided on the wider masterplan proposals for the site on the land to the north east of the site to extend and complete the development.

The application site is located on the north eastern end of the housing development that has taken place to date at Hygrove's 'Brunel Woods' site. The Liberty Stadium and associated Morfa Retail and Leisure Park are situated to the north west, with the application site bounded to the north and west by Nantong Way / Brunel Way and the A4217 Jersey Road to the south / east. The nearest residential properties (outside of the outline site areas) are located in the Copper Quarter development adjacent to the River Tawe. The phase 6 development would take place on a relatively flat plateau, however the levels drop down from the site to Nantong Way through a line of mature trees which are outside this reserved matters site.

The outline planning permission is subject to a Section 106 agreement. The provisions relating to the education contribution and affordable housing have been satisfied. Other provisions relate to off-site highway works under a Highways Agreement including a vehicular and pedestrian crossing off Nantong Way (prior to no more than 80 dwellings being occupied); the upgrading of the existing footpath between the pedestrian footbridge over the A4217 and Pentrechwyth Road and traffic calming near Pentrechwyth School (prior to the occupation of no more than 50 dwellings) and the internal road layout of the site being designed to discourage through traffic and reduce traffic speed to no more than 20 mph through the site. There are ongoing discussions with the applicant to ensure compliance with the requirements of the Section 106 agreement.

## Planning Committee – 3<sup>rd</sup> April 2018

Item 1 (Cont'd)

Application Number:

2017/2441/RES

### Main Issues

The main issues for consideration relate to whether the proposal is an acceptable form of residential development in terms of its layout, design and visual impact, its impact on the living conditions of the future occupiers and its impact upon highway safety.

The adopted Unitary Development Plan, Policy HC1 (75) - allocates the Upper Bank site for residential development with an indicative capacity of 218 units. The proposal therefore accords with UDP Policy HC1 in principle. In terms of considering the design and layout of the proposed development, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design, in particular, new development should be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials, and detailing, layout, form, mix and density. Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location. In addition, UDP policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking.

With regard to drainage from this site, the development must be considered with reference to UDP Policies EV33 and EV35 which refer to sewage disposal and surface water run-off respectively. In view of the commercial/industrial history of the site, there is a potential for contamination. Policy EV38 is therefore relevant which states that proposals on land where there is a risk from contamination will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters or the natural and historic environment. Moreover the site is located within a development high risk area for coal mine workings as such Policy EV39 is relevant which requires developments to have regard to any land stability constraints.

In terms of design and layout the Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more dwellings. This document contains information on design principles that should be incorporated into new developments together with the appropriate amenity standards.

The application site is also part of the Tawe Riverside Corridor Strategy, which was adopted as Supplementary Planning Guidance by Council on 21st September, 2006.

### Visual Amenity

The proposal is a continuation of phase 5 and spans across the full width of the site from the tree lined embankment to the west of the site towards Nantong Way to the north. Phase 6 will finish the central perimeter block that is flanked by two estate roads running through the development. Further housing is proposed along a road at right angles to the existing estate roads which is indicated to form a further perimeter block within the wider masterplan for the site, which includes areas outside of the original outline planning permission. The street structure therefore follows on well from previous phases and it has been demonstrated how phase 6 will sit within the wider street structure indicated in the masterplan. The layout approach follows previous phases with specific corner turning units on important frontages and parking sited where it would benefit from natural surveillance.

## Planning Committee – 3<sup>rd</sup> April 2018

**Item 1 (Cont'd)**

**Application Number:**

2017/2441/RES

As with previous phases the architectural designs of the dwellings are based upon a simple materials palette of mainly facing brick with flat grey concrete roof tiles. The white upvc windows would be defined to the front elevation by concrete cills and brick heads and at the rear by brick cills and heads. The majority of dwellings would be designed with a duo pitched roof and some have feature canopies and porches. A front gable feature has been introduced within the Scott house type which has been used to terminate the vistas through the streets.

The design and layout has been amended to take into consideration the comments of the Council's urban design officer and as a result some frontage parking on prominent corners has been re-located and side parking has been introduced to break up the frontage parking areas together with the introduction of further planting along the main spine road. These amendments have improved the street scene and reduced the dominance of the frontage parking which, on balance, is now considered to be acceptable.

A low (1m) retaining wall would be required along the rear of plots 138-141. The majority of this wall and boundary fence above would be screened by the existing vegetation along Nantong Way, however, details of the wall and northern boundary treatment of the site will be required by a planning condition to ensure the final height and finish are satisfactory within the street scene.

The development is therefore considered to be acceptable in terms of its impacts on the character and appearance of the area. The development would therefore accord with UDP Policy EV1, EV2 and the 'Residential Design Guide' SPG.

### **Residential Amenity**

The rear garden areas would broadly accord with the minimum standards set out in the SPG i.e. that usable private garden sizes should be the same size as the footprint of the houses which they serve. As indicated above, there are some instances where this is not achieved notably at the rear of plots 144 and 150. However, these are acceptable on the basis that there is no development immediately to the rear so there are no issues of overbearing, overshadowing or overlooking to consider in this respect. Moreover, on balance, the available private garden space would provide sufficient areas for siting out and play space to serve these modest two bedroom dwellings.

The separation distances between the proposed dwellings and those within earlier phases (and potential future phases as indicated on the layout plan and masterplan) would accord with the minimum distances set out with the 'Residential Design Guide' SPG.

In terms of the impacts of the development on residential amenity, therefore, the development is considered to be acceptable and would accord with UDP Policy EV1 and the guidance within SPG.

### **Access and Highway Safety**

Parking is indicated for each plot in line with the reduction agreed on the previous reserved matters applications that were supported by the use of the sustainability matrix. The site is close to shops, services, a local school, public transport and cycle network as such the site is considered to be relatively sustainable. The highways officer has confirmed the site is acceptable in term of site access, visibility and turning.

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It is the developer's intention for the roads to be adopted, however, adoption of the estate road is not compulsory. The highways officer has therefore requested a condition to control the future management of the roads. As this is a reserved matters application it is not reasonable to include a condition for the future management of the roads, this is a matter that should be dealt with at the outline stage. It will be the responsibility of the developer to ensure that suitable provision is in place for the future management of the roads, should they not be adopted.

The highways officer has noted the turning area adjacent to 122 may be small and should be subject to an Autotrack test to show that emergency vehicles can enter, turn and leave in forward gear. Whilst these comments are noted the turning head serves only 4 properties and it is likely an emergency or refuse vehicle would reverse down this small section of road. In light of the low traffic speeds and low traffic volumes on this road it is not considered that such an arrangement would result in any significant highway safety concerns. As such it is not considered necessary to require Autotrack details in this instance.

The original outline planning permission included the provision of a new access off Nantong Way, in the interests of highway safety. The requirement for the access and a new pedestrian crossing on Nantong Way was secured by a planning condition and S106 agreement which required the works to be provided prior to the occupation of the 81st dwelling on the site. In order to satisfy this requirement there is currently a planning application for the new access (and pedestrian crossing) which will provide a secondary access to the estate and will form an access to the undeveloped land to the north of the site, including the area around Pluck Lake. The application was submitted in 2017 (Ref: 2017/0026/FUL) and is outside of the approved outline area. Discussions are at an advanced stage with the developer to agree the road design. The approval of the new access will ensure that the developer can technically comply with the requirements of the outline planning permission to provide the new access and crossing. The provisions of the S106 agreement provides the mechanism to ensure that the access will be provided in a timely manner to serve the development.

Overall, therefore, subject to conditions, the application is considered to be acceptable from a highway safety perspective and would comply with the provisions of UDP Policies AS1, AS2, AS6 and EV1.

### **Drainage**

Surface water drainage would be discharged via infiltration drainage and to the local watercourse via the culvert running through the estate road. Foul water would be discharged to the mains system via the temporary pumping station in phase 5 until such time that the permanent pumping station serving this part of the development is operational.

The Council's drainage officer is satisfied with the surface water drainage scheme and Dwr Cymru Welsh Water have offer no objection to the application, subject to a condition requiring the drainage scheme to be implemented as approved, this is considered to be necessary to ensure the provision of an appropriately designed foul and surface water management scheme for the site.

In light of the above the drainage proposals are considered to be acceptable and the development would therefore accord with UDP Policies EV33 and EV35.

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### Land Contamination

NRW has responded to the application with significant concerns and requested further information / clarification in relation to land contamination at the site. The Council's Pollution Control Division also share the concerns of NRW. The applicant has held discussions with NRW in order to try to address these comments, however, at the time of writing no further response has been received from NRW.

Following NRW's comments it is clear that the land contamination information submitted is currently not considered sufficient to confirm the extent and nature of contamination at the site. Further survey and testing may therefore need to be undertaken to fully satisfy current standards.

As the principle of the development has already been established, it would be unreasonable to withhold the consideration of this application pending the submission of this information. Whilst there is a condition on the original planning permission requiring the submission of appropriate land contamination information, it would seem prudent, in light of the comments from NRW and the Council's Pollution Control Division, to impose a further condition, for the avoidance of doubt, requiring the submission of further land contamination information prior to the commencement of development within this phase. Subject to the imposition of this condition, it is considered that measures can be taken to satisfactorily overcome danger to life, health, property, and the natural environment including controlled waters. In this respect, therefore, the development would not be contrary to UDP Policy EV38

### Land Instability

The Coal Authority has acknowledged that the site is located within an area which is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with thick coal outcrops. The Coal Authority has, however, offered no objection to this reserved matters application as the outline application pre-dates the 'Risk Based Approach to Development Management'. Moreover, they note the Geotechnical and Geo-Environmental Report (December 2012, prepared by Terrafirma), submitted with the application is able to discount risks to ground stability posed by shallow coal mine workings. On this basis the Coal Authority has not objected to the application. The development has therefore had regard to the risks posed by former mine workings and is considered to be in accordance with Policy EV39.

### Conclusion

The proposed development is considered to be acceptable in terms of its impacts upon the character and appearance of the area, the living conditions of the future occupiers and its impacts upon highway safety. Matters relating to land contamination, land stability and drainage have also been considered and found to be acceptable subject to conditions. The development is therefore considered to be in accordance with UDP Policies AS1, AS2, AS6, EV1, EV2, EV3, EV33, EV35, EV38, EV39 and HC1. Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

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In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WCFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WCFG Act. Having regard to all the relevant Development Plan Policies and all other material considerations the proposal would represent an acceptable form of development. Conditional approval is therefore recommended.

### Recommendation

#### Approve, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: 444\_9208-V2 B (Type A4 - George x2 Semi-detached - V2 - GA Plans - Planning), 444\_9209-V2 B (Type A4 - George x2 Semi-detached - V2 - GA Elevations - Planning), 444\_9212 C (Type A6 - Scott x1 & Vale x1 - Semi Detached Plans - Planning), 444\_9213 C (Type A6 - Scott x1 & Vale x1 - Semi Detached Elevations - Planning), 444\_9218 B (Type A9 Scott x3 Terraced - General Arrangement Plans - Planning), 444\_9219 B (Type A9 Scott x3 Terraced - General arrangement Elevations - Planning), 444-9222 A (Type A16 - Morris x2 & Vale x1 - Planning), 444-9223 A (Type A16 - Morris x2 & Vale x1 - GA Elevs - Planning), 444\_9230 A (Type A15 - Morris x2 - GA Plans - Planning), 444\_9231 A (Type A15 - Morris x2 - Planning), received 13th November 2017. 444-1003 C (Location Plan - Whole Site), received 22nd November 2017. Upper Bank Phase 6 Landscaping Scheme Rev A, received 25th January 2018. 444-1105 N (Planning Issue - Phase 6), received 15th March 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Prior to the commencement of development further information shall be submitted to and approved in writing by the local planning authority to assess the risks posed to the development and the wider environment from land contamination at the site and, where necessary, recommendations for appropriate remediation and/or mitigation measures. The development shall be implemented in accordance with the approved remediation and/or mitigation measures.  
Reason: To address the risks posed to the development and wider environment from potential land contamination
- 3 No dwelling hereby approved shall be occupied until the means of enclosing the boundaries of that dwelling and of the site have been completed in accordance with Drawing No. 444-1105 N, save for the enclosure to the northern boundary of the site. Further details of means of enclosing the Northern Boundary shall be submitted to and approved in writing by the local planning authority and constructed in accordance with the approved details prior to the occupation of the dwellings on plots 106, 107, 108, 138-148. The development shall be implemented as approved and shall be retained as such for the lifetime of the development.  
Reason: In the interests of visual and residential amenity
- 4 The external facing materials for the development shall be in accordance with the details indicated on Drawing No. 444-1105 N and shall be applied before each individual dwelling is occupied.  
Reason: In the interests of visual amenity.

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- 5 All planting, seeding or turfing comprised in the approved details of landscaping as indicated on Drawing No. 'Upper Bank Phase 6 Landscaping Scheme Rev A' and '444-1105 N' shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of this building phase, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to enhance the visual amenity of the area.
- 6 Prior to the construction of the retaining wall at the rear of plots 138-141, details of its height and finish shall be submitted to and approved in writing by the local planning authority. The retaining wall shall be constructed and thereafter retained in accordance with the approved details for the lifetime of the development.  
Reason: To ensure the means of enclosing the western boundary of the site are satisfactory.
- 7 No dwelling hereby approved shall be occupied until the foul and surface water drainage works have been completed in accordance with Drawing No. 1001. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To ensure the provision of an appropriately designed foul and surface water management scheme to protect the health and safety of existing residents and ensure no pollution or detriment to the environment.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS1, AS2, AS6, EV1, EV2, EV3, EV33, EV35, EV38 and EV39.
- 2 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.

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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:

<https://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](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 3 The development is crossed by a distribution watermain, no structure is to be sited within a minimum distance of 3m from the centreline of the pipe. You are advised to contact Dwr Cymru Welsh Water to discuss their conditions for development near water mains.





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**Item 2 (Cont'd)**

**Application Number:**

2018/0358/S73

UDP - EV22 - Countryside General Policy

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
  - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)

UDP - EV23 - Green Wedges

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and/or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

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UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### Site History

App Number	Proposal	Status	Decision Date
2016/3168/DOC	Discharge of conditions 5, 6 _ 7 of planning permission 2015/2506 granted 30th September 2016 (archaeological and site investigation)	APP	04.01.2017
2017/0650/DOC	Discharge of condition 8 of planning permission 2015/2506 granted 30th September 2016 (Construction Pollution Management Plan)	APP	03.05.2017
2017/0775/FUL	Residential development for the construction of 41 units, including access and all other associated works.	S106	08.08.2017
2017/1019/DOC	Discharge of condition 9 of planning permission 2015/2506 granted 30th September 2016 (materials)	APP	12.06.2017

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2017/1161/DOC	Discharge of condition 11 of planning permission 2015/2506 granted 30th September 2016 (Scheme for the ownership and maintenance of the surface water system)	APP 19.06.2017
2017/1854/DOC	Discharge of conditions 7 (external finishes), 8 (integrated drainage scheme), 9 (maintenance and management of surface water), 13 (highways and footways) and 16 (landscaping and lighting) to planning permission 2017/0775/FUL granted 8th August 2017	SPLIT 30.11.2017
2017/2679/DOC	Discharge of condition 9 (maintenance of surface water) of planning permission 2017/0775/FUL granted 8th August 2017	APP 22.01.2018
2018/0358/S73	Residential development for the construction of 41 units, including access and all other associated works - variation of condition 2 (approved plans) of planning permission 2017/0775/FUL granted 8th August 2017 to allow for addition of substation and amendment to parking for plots 3-6.	PDE
2018/0359/FUL	Single storey rear extension	PCO
2005/0678	Residential development (outline)	WDN 31.05.2005

### Background

This application is being reported to Planning Committee as it is a departure from the Unitary Development Plan currently in force.

It should be noted that this is a section 73 application to vary the plans condition attached to the previous permission (ref: 2017/0775/FUL) to provide for the inclusion of an electricity substation within the site.

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In addition, the parking configuration in the area of the southern boundary has been amended (for plots 3-6) resulting in the loss of one visitor car parking space. This has enabled additional planting to be provided along the southern boundary.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

The site is allocated within the Emerging Local Development Plan and a previous permission (ref: 2015/2506) has been implemented. Therefore this permission remains extant but the proposal is still considered to be a departure from the Adopted Unitary Development Plan currently in force and has been advertised accordingly.

### Neighbour comments

The development was advertised in the Press on 5th March 2018, on site with three site notices put up on the 27th February 2018, and 6 no. properties were consulted individually.

No comments have been received to date.

### Consultation Responses

#### Highways:

No adverse comments.

#### Drainage:

"The proposed alterations do not appear to have any drainage implications, therefore we have no concerns."

#### Arboricultural Officer:

"The alterations appear to have no impact on trees, no objection."

### Site Location

The application site covers an area of approximately 1.23 hectares and lies to the west of Heol Pentre Bach where it terminates. The site comprises the whole of one field and smaller parts of three other fields. A landscaped strip separates the site from Heol Pentre Bach with a turning head located at the northern end of the road. Clos Y Morfa adjoins the northern end of the site with a pedestrian footpath running between the two roads, adjacent to an area of public open space. Dwellings on Heol Y Nant wrap around the southern boundary of the site. Heol Pentre Bach is accessed off Frampton Road which links Penyrheol and Loughor.

The site was previously agricultural land that rises gently from east to west and slopes down towards the north with a mature hedge atop a bank running along the western site boundary. Construction work has begun on the site and the trees/ scrub on site have been largely removed pending the development. Two public footpaths (Nos 45 and 46) run adjacent to the site.

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The site has good access to a number of public footpaths that extend into the surrounding countryside and link it to the nearby Loughor Estuary foreshore. The character of the nearby residential areas is typical of the type of relatively modern suburban streets with various cul-de-sacs stretching off the main spine road, comprising of predominantly two storey detached and semi-detached properties.

### Description of Development

This is a S73 application to vary the approved plans condition attached to planning permission 2017/0775/FUL. The changes are sought to enable the inclusion of an electricity substation at the rear of the garages serving plots 13 and 14, located within the middle of the site. In addition, the parking layout has been amended in the vicinity of plots 3-6 which has resulted in the loss of one visitor parking space. This has enabled additional landscaping to be planted along the southern boundary of the development. The substation would measure 3.11m by 2.265m to a maximum height of 2.6m.

Planning permission 2017/0775/FUL granted permission for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated access and landscaping works.

### Appraisal

#### Main Issues

Section 73 of the 1990 Act provides that application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Given that the principle of the development has previously been established and approved under City and County of Swansea Unitary Development Plan Policies, the main issue for consideration is whether the proposed amendments to the plans (the introduction of a substation and amendments to the parking layout) are acceptable having regards to their impact and consideration of the planning policy. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

#### Design and Visual Impact

In terms of the visual impact of the substation, it would be located within a walled area to the rear of the garages serving plots 13/14 (the current showroom). The substation would be constructed in glass-reinforced plastic (GRP), measure a maximum of 2.6m in height and would be largely screened by the proposed boundary wall.

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A timber gate is proposed to secure the substation enclosure which is considered acceptable. Whilst of utilitarian design, a substation such as the one proposed is a familiar piece of infrastructure on a housing development such as this and has been located in an inconspicuous area within the middle of the site and largely screened as noted above. The wall around the substation is in the same location as the previous boundary wall, and is of robust design, but a small part of the garden of plots 13 and 14 would be lost to facilitate the substation. It is considered that sufficient garden space would remain for these plots and there are no overriding concerns in terms of the design/ visual impact of the proposals.

With regards to the amended parking area, one visitor spot has been lost from the parking court in front of plot 3, but this has enabled additional planting to be provided along the boundary with the plots on Nant Y Felin to replace trees that previously existing along this boundary. Two parking spaces would be provided in front of plots 5 and 6 and whilst these properties close the vista along this cul-de-sac, it is not considered that the proposals would have a detrimental impact on the overall streetscene given that the spaces are broken up with planting.

7 properties (13, 27-29 and 32-34) have been handed on the submitted plans but this has little impact on the overall design / streetscene in terms of design. Similarly, 600mm retaining walls are proposed within the gardens of plots 26-30 but these would not be visible from the public domain.

### **Neighbouring Amenity**

In terms of existing neighbours to the south, the proposed alterations would introduce more screening between their dwellings and the development and the parking layout is similar to that previously approved. It is not considered that the substation would have a detrimental impact on the amenity of existing residents or future residents of the development.

The House of Commons information sheet on substations notes that electricity substations, like overhead power lines and electrical appliances in the home, are sources of extremely low frequency (ELF) electromagnetic fields. The electric and magnetic fields in the vicinity of electricity substations are well below the levels associated with established health effects.

The amendments to the dwelling orientation of 7 units would not have a materially different impact to the approved scheme in terms of impact on neighbouring properties. The provision of the retaining wall (plots 26-30) would not have an impact on neighbouring amenity.

### **Highways**

One space would be lost as a result of the reconfigured parking arrangements at plots 3-6, however, the Highways Officer did not raise any concerns with regards to the loss of this space. It should also be noted that the space to be lost is a visitor space and there would be sufficient space on street for visitors as well as one remaining visitor space in this area. Therefore, it is not considered that the reduction of one space would have a detrimental impact on highway safety within the area.

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### Other issues

The Arboricultural Officer has raised no objections with regards to the proposal. The Officer previously commented on the landscaping plan but no amended landscaping details have been submitted, in particular along the southern boundary and a condition requiring updated details would be attached to any grant of consent.

The amended layout has had a minor impact on the approved landscaping scheme and the potential to impact on the drainage layout. The Drainage Officer has no comments as the drainage scheme does not have any significant drainage implications.

In terms of the impact of the proposals on the Burry Inlet, the LPA has previously satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations when granting the previous permission. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan. It is not considered that the proposed alterations subject of this application would have a different impact to those already considered.

In summary, there are no known hydraulic capacity or new water quality issues to address and there is no justification to refuse this proposal for planning permission on these grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34 and EV35.

As this is a new permission, it is considered expedient to update the previous conditions (where relevant) as some have already been discharged. In addition, a deed of variation would be required given that a S106 agreement was attached to the previous permission. These are briefly set out below but are not being amended.

In terms of discharged conditions attached to the previous consent, the applicant has confirmed that there would be no change to the materials although there would be a minor change to the surface water drainage arrangements, to be expected when moving a car parking space.

The approved channel / gully at the edge of the affected parking space (see approved drawing ref: 10162-001 K) is no longer required and has therefore been removed. This is illustrated on the revised engineering layout which forms part of this Section 73A application (ref: 10162-001 O). The maintenance of the surface water drainage system would remain unchanged. These conditions would need to be updated accordingly in any revised permission.

### Planning Obligations:

The Planning Obligations associated with this development include:

- o Provision of 12 affordable housing units on site to DQR (29% of the development - of which 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) - all to be disposed of via a RSL)
- o £52,440 contribution towards Education (£31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin)



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- o £750 contribution to replace two existing stiles with kissing gates
- o £1,064 contribution towards ongoing management and monitoring fees (2% of obligation)

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 that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/ from the development.)
- 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 a contribution towards education, improvements to the local PROWs and the provision of affordable housing).

Whilst the proposals are located outside of the settlement boundary, within a Green Wedge, the development is considered acceptable on balance when considering all material considerations. It is therefore concluded that the application should be approved subject to the following conditions and the completion of a S106 agreement.

### RECOMMENDATION

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

- 1 The development shall be carried out in accordance with the following approved plans and documents:  
Location Plan (Drawing No. 1619 101) received on 6th April 2017; Enclosure Details Sheet 1 (1619 175) and Enclosure Details Sheet 2 (1619 176), Enclosure Sheet Details 3 (1619 177) and Garage Details Sheet 4 (1619 174) received on 18th April 2017; Ennerdale Semi Detached Floorplans (1619 152A), Ennerdale Semi Detached Elevations (1619 153A), Ennerdale Detached Floorplans (1619 154A), Ennerdale Detached Elevations (1619 155A), Hemworth Floorplans (1619 156A), Hemworth Elevations (1619 157A), Hemworth Render Elevations (1619 158A), Kingsley Floorplans (1619 159A), Kingsley Elevations (1619 160A), Hale Floor Plans (1619 161A), Hale Elevations (1619 162A), Alderney Floorplans (1619 163A), Alderney Elevations (1619 164A) and Radleigh Floorplans (1619 165A) received on 25th May 2017;

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Maidstone Floorplans (1619 150B), Maidstone Elevations (1619 151B), Radleigh Elevations (1619 166A), Fir Floorplans and Elevations (1619 167B), Olive Floorplans and Elevations (1619 168B), Larch Floorplans and Elevations (1619 169B), Cherry Floorplans and Elevations (1619 170B), Garage Details Sheet 1 (1619 171A), Garage Details Sheet 2 (1619 172A), Garage Details Sheet 3 (1619 173A) received on 26th May 2017; Existing and Proposed Ground Levels (1619 B002A) received on 9th June 2017; Planning Layout (1619 100P), External Works Layout (1619 102J),

Materials Layout (1619 103E), Storey Heights Layout (1619 104E), Affordable Housing Layout (1619 105E), Parking Strategy Layout (1619 106E), Adoption Layout (1619 108H) and Engineering Layout (10162-001O) received on 14th June 2018; and Standard GRP Enclosure and Threshold Beam Detail for up to 1000kVA pocket substation (EKV0015).

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

- 2 The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation dated 1st August 2016, prepared by Archaeology Wales Limited, submitted to discharge condition 6 of planning permission 2015/2506 as confirmed in the letter from Barratt Homes dated 20th June 2017. A copy of the Watching Brief Report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

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

- 3 The development hereby permitted shall be undertaken in accordance with the Construction Method and Management Statement dated 20th March 2017, prepared by Barratt Homes, submitted to discharge condition 8 of planning permission 2015/2506 as confirmed in the letter from Barratt Homes dated 20th June 2017.

Reason: To protect residential amenity and the environment during the construction phase.

- 4 The external finishes for the development shall be completed in accordance with the details submitted to discharge condition 7 of planning permission 2017/0775 FUL that were approved by the City & County of Swansea on 30th November 2017 (Ref: 2017/1854/DOC).

Reason: In the interests of visual amenity.

- 5 The surface water system shall be owned and maintained in accordance with the details submitted to discharge condition 9 of planning permission 2017/0775 FUL that were approved by the City & County of Swansea on 30th November 2017 (Ref: 2017/1854/DOC).

Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

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- |                        |                            |               |
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- 
- 6 The works hereby approved shall be undertaken in accordance with the recommendations contained within section 5 of the Update Extended Phase 1 Habitat Survey Report prepared by WYG dated February 2017.  
Reason: To ensure ecological mitigation is provided in accordance with best practice during the course of the works.
  - 7 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 5 of the Reptile Presence/ Likely Absence Survey Report prepared by WYG dated December 2015.  
Reason: To ensure a precautionary approach is undertaken to protect reptiles during the course of development.
  - 8 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 5 of the Bat Activity Survey Report prepared by WYG dated February 2017.  
Reason: To ensure a precautionary approach is undertaken to protect bats during the course of development and in the future.
  - 9 Prior to the first beneficial occupation of any dwelling hereby permitted, full engineering details of the highways and footpaths within the residential development and the phasing/ timescales for their construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and timescales.  
Reason: In the interests of highway safety and to ensure that all properties have sufficient access arrangements are provided at an appropriate time during the course of development.
  - 10 Prior to the first beneficial occupation of any dwelling on the residential site hereby permitted, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.  
Reason: In the interests of highway safety and to ensure that the highways within the development are maintained appropriately thereafter.
  - 11 The dwellings hereby permitted shall not be brought into beneficial use until such time as speed reduction measures at the junction of Heol Pentre Bach and Frampton Road have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
  - 12 Notwithstanding the details submitted to date, full landscaping details for the southern boundary of the site between plots 2 and 3 shall be submitted to, and approved in writing by the Local Planning Authority prior to the first beneficial occupation of any of the dwellings hereby approved. The landscaping scheme shall thereafter be implemented in accordance with the approved details.

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The remainder of the site shall be landscaped in accordance with the details submitted to discharge condition 16 of planning permission 2017/0775 FUL that were approved by the City & County of Swansea on 30th November 2017 (Ref: 2017/1854/DOC).

Reason: To ensure appropriate landscaping is provided along the site boundary, within the development as a whole and improve connectivity for bats using native species.

- 13 The external lighting for the development shall be completed in accordance with the details submitted to discharge condition 16 of planning permission 2017/0775 FUL that were approved by the City & County of Swansea on 30th November 2017 (Ref: 2017/1854/DOC).

Reason: To ensure insensitive lighting does not impact on bats.

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

Reason: To safeguard landscape and amenity interests.

- 15 Prior to the first beneficial occupation of any of the dwellings hereby permitted, a scheme for improvements to public footpath LC46 between the tarmac path adjacent to the existing pumping station and Pentrebach Farm to include details of surfacing and width along its length, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details prior to the beneficial occupation of the 20th dwelling hereby permitted.

Reason: To ensure access to the surrounding area is improved given increase usage and to encourage walking for residents within the development as a mode of transport.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted on that particular site.

Reason: To ensure that risks from unknown land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

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- 17 The development shall not discharge to the local watercourse network at any rate greater than 7.5 litres per second.  
Reason: To prevent surface water flooding occurring both onsite and adjacent third parties.
- 18 Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Report written by WYG referenced A083749 V3 prior to the commencement of development and shall be retained thereafter for the duration of the construction works. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.  
Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.
- 19 Notwithstanding the details shown on the elevations and floorplans for the Hale Detached dwelling, the window on the side elevation at first floor level serving the 2nd bedroom of plot 20 shall be omitted completely and the window serving the en-suite of plot 20 shall be fitted with obscure glazing, to a minimum level 3 and retained as such thereafter.  
Reason: In the interests of residential amenity and for the purposes of clarity as to the details hereby approved.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV22, EV23, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, AS2, AS5 and AS6
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.
- If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird

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

4 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.

5 The Pollution Control Officer has advised the following:

### 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations.

6 Dwr Cymru Welsh Water have advised that the proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

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- 7 GGAT have advised that:  
The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member. The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
- 8 The applicant is advised to consider Police Designing Out Crime Officer's comments in full which are available on the planning application page of the Council's website.
- 9 The Welsh language mitigation measures proposed in the form of promoting the proximity of Welsh speaking schools in advertising literature, strong advertising within the local area and bilingual sales to be made available on request should be undertaken when advertising this development.
- 10 The applicant should be aware that there is still a requirement to notify the Local Planning Authority if they intend to implement this planning permission (for the avoidance of doubt given the previous S73 applications approved) and place a copy of this decision notice up on site.

No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

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

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### Background Information

#### **Policies**

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC1 - General Employment Sites

Allocation of employment land to meet the needs of the local economy. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC2 - SA1 Swansea Waterfront

Development within the SA1 Swansea Waterfront defined area shall accord with specific criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

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Site History App Number	Proposal	Status	Decision Date
2017/0717/PRE	PRE-APP Two/ Three storey private hospital development with undercroft parking and associated landscaping, site roads and surface car parking on plots A15 and A16, Land East of Fabian Way Link, SA1 Waterfront, Swansea.	MIXPR E	12.05.2017
2017/2610/FUL	Construction of two/ three storey private hospital (Class C2) with undercroft and surface car parking, service yard and associated access, infrastructure and landscaping works	PDE	
2018/0297/FUL	Change of use of Unit 3 from office (Class B1) to physiotherapy unit (Class D1)	PCO	
2015/0805	Use of premises with Class B1 (application for a Certificate of Lawful Use)	WL	14.05.2015
2015/0541	Three internally illuminated high level signs, 1 externally illuminated fascia sign and 1 internally illuminated menu sign	APP	06.05.2015
2010/1527	Retention of one internally illuminated fascia sign, one internally illuminated high level individual letter sign, three internally illuminated poster signs, two internally illuminated projecting signs, two externally illuminated individual letter signs, two externally illuminated projecting signs and one externally illuminated fascia sign for proposed hotel and restaurant	APP	24.11.2010

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2010/1562	Retention of plant and plant enclosure	APP 25.11.2010
2010/1500	Retention of one internally illuminated projecting sign and fascia sign on eastern side elevation, and one internally illuminated projecting sign and fascia signage on northern front elevation to Langdon Road	APP 25.11.2010
2010/1496	Retention of new shop fronts for retail unit and installation of security bollards	APP 22.12.2010
2010/1492	Retention of ATM within front elevation of retail unit and installation of security bollards	APP 22.12.2010

### Pre-application Consultation Report

The Welsh Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to be accompanied by a pre-application consultation report (PAC). The submitted PAC report has outlined the pre-application consultations undertaken including contacting interested parties and the provision of the information on a website and holding a public exhibition.

### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No responses were received.

### Dwr Cymru Welsh Water -

Dwr Cymru Welsh Water have been previously informed of the proposed development and responded by way of our formal pre-application consultation service and can confirm that the response highlighted no objection to the principle of disposing foul flows into the public sewerage system. We also acknowledge that the submitted planning application form and Flood Consequence Assessment, prepared by WSP, indicates that surface water flows will discharge into the Prince of Wales docks and we would refer to Welsh Government and Natural Resources Wales to confirm whether these drainage arrangements are considered acceptable.

Conditions are requested to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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### Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

### Water Supply

Dwr Cymru Welsh Water has no objection to the proposed development.

**Council's Drainage Engineer** - We have no concerns with the application and recommend a condition is imposed requiring the implementation of a comprehensive drainage system for the site.

**Glamorgan Gwent Archaeological Trust** - the proposal will require archaeological mitigation.

Our information shows that there are archaeological features recorded from historic mapping, which archaeological work nearby has shown to be extant and buried. These are primarily industrial, relating to the creation of made ground to create the dock and the railway line and sidings to access the dockside; and activity relating to the Prince of Wales Dock. The historic OS maps show the original coastline as including the south western part of the site, indicating that the buried peat shelf of likely Bronze Age date, encountered in other areas, may be present here. The impact on the buried archaeology will require mitigation and the likely causes of impact will be works for basements, foundations and services installation including sewer provision. We therefore recommend that a condition should be attached to any consent to ensure appropriate mitigation.

The applicant should be required to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work, including geotechnical and test pitting, identifying any elements of the proposals which may also need to be hand-dug by archaeologists, which will also ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

**Pollution Control** - no objection

### Highway Observations -

At the Pre-Application Consultation Stage the following response was given:

Lamberts Road is a one way circulatory with a footway dropped kerbs and tactile crossing. It meets Langdon Road as a priority junction. There are 5 separate access points currently and an element of pay and display parking availability.

Five junctions were tested as per the agreed (with CCS) scope. Surveys were undertaken in April 2017 together with an ATC. The proposed hospital will provide enhanced facilities and staffing numbers and as such there is a substantial increase in trips arising when compared to the existing hospital site, particularly from patients.

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With the current hospital in Ffyonne the majority of the associated movements arise from patients, (as you would expect) with staff only making up one fifth of the total trips. From the staff survey over 4/5th travelled by private car. There are bus stops within easing walking distance of the site. The adjacent Cycle route was seen to be in high demand also. The trip Rates as per the TRICS database are agreed.

The proposed new hospital suggests a realignment of the gyratory to facilitate access to the hospital. A detailed engineering plan has been requested as one was not forthcoming in the document. It has since been supplied but I am of the opinion that the proposed changes are UNACCEPTABLE and give too much priority to the other hospital users to the detriment of everyone else that access/travel this roundabout.

Main vehicular access proposed where the existing access point is with a new access to the north for service/delivery vehicles. Revised priorities on Lamberts Road have been suggested but are not supported by CCS Highways.

Parking standards require 87 car parking spaces. 99 are proposed (including 6 for disabled use). Given the siting it is accepted that this proposed level will be accepted in order to keep the internal road layouts free from indiscriminate parking.

Site was identified as 'office' in the 2002 masterplan for SA1 although this was an outline application only. A trip comparison was undertaken comparing the consented use as car park to the original masterplan as an office then finally the sancta Maria use. The hospital use generates significantly more than the car park use but the spread is likely to be greater and not concentrated in the traditional peak hours.

The results of the junction modelling on 4 of the 5 junctions are accepted however the mitigation works required at the junction of Fabian Way with the park and ride/Mcdonalds (as outlined on P 43. i.e. Proposed changes (to ped crossing times and intergreen times) are unacceptable (due to being substandard)) to achieve the required improvement in capacity to allow the development to be considered acceptable. It cannot be done with a far side pedestrian crossing but could be done with a nearside pedestrian crossing. Table 6.5 cannot do the proposed changes with existing Infrastructure - there are cost implications (for new junction) circa £35,000. The TA could also look at condensing the existing junction to improve capacity by extending the existing central reservations on Fabian Way and moving the associated stop lines. The results of the junction modelling on 4 of the 5 junctions are accepted, albeit with mitigation works on the Langdon Road approach to the Fabian Way / Langdon Road traffic signal junction, the current arrangement of lane 1 left , lane 2 ahead and right and lane 3 right is to be amended to lane 1 left, lane 2 left ahead and right, lane 3 right.

In summary the trip rates are accepted and at 4 of the 5 junctions tested the trips can be accommodated with the existing infrastructure. However the proposed mitigation measures to bring the 5th junction (Fabian Way/McDonalds) to within its capacity are not accepted. As such the scheme overall is not accepted. In addition the proposed changes to Lamberts Way are also considered not acceptable.

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During the planning application stage, following the receipt of the Road Safety Audit, Highways have retained concerns regarding the one way/two way interface on Lamberts Road. However, they are of the opinion that an appropriate Highway design could be made to work, whilst maintaining the proposed hospital site layout, kerb-line and tracking space required for the hospital (with the bulk of the alterations/amendments being taken up on the opposite side of the road (church side)). Highways would raise no objection subject to the following condition:

Notwithstanding the above comments, and in order to bring this application to Planning Committee as soon as possible, can I suggest that the final design is assigned to CCS Highways to design (under a possible hybrid Section 38/278 - as the land is covered by a Section 38 but is currently owned by Welsh Government)? We are of the opinion that we could produce a design that keeps the two access points as per the proposed site plan (one for the visitors and one for the servicing) but would end up with a design that is more conventional, and therefore more acceptable from a highways safety viewpoint. This may result in some kerb realignment to the south of the site but it would not impact on the building footprint.

In the PAC response (attached) Highways initially indicated a potential requirement for a £35,000 highway contribution to improve the McDonalds junction. However, the submitted Transport Statement includes capacity modelling of the McDonalds junction and the outputs indicate that that a Section 106 contribution for this junction was not appropriate, as the proposed hospital has no real effect at this location.

### **Description**

The proposal is for the construction of a two / three storey private hospital on Plots A15 / A16 within the SA1 Swansea Waterfront development, which is sited immediately to the east of the main gateway into SA1. The development will facilitate the relocation of the existing Sancta Maria Hospital from the Uplands area and it is indicated by the applicants (The Healthcare Management Trust) that they require a purpose-built facility to maintain and build on their quality of care record.

The proposed hospital will total approximately 4,200sqm on a plot of 0.85 hectares (2.1 acres), and the accommodation will provide primary healthcare facilities including: Inpatient, Outpatients, Day Case Surgery, Radiology, MRI and support areas for Cardiology, General Surgery, Gastroenterology, Ophthalmology, Cosmetic surgery, Orthopaedics and Gynaecology. The new hospital will treat approximately 3,000 patients per annum with an average length of stay of 1.5 days.

The site is located at the gateway of the main SA1 Swansea Waterfront access and has a frontage along Fabian Way to the north, the residential developments of Mariners Court and Llys Hafan to the north-east, and the Parkway Dental Clinic and Waterfront Community Church to the south-east (which all share the existing vehicular access from Lamberts Road via Langdon Road.

The building will essentially consist of a 'L' shaped building facing onto Fabian Way and the SA1 access Road. Vehicular access will be obtained from the existing access from Lamberts Road via Langdon Road leading into an undercroft car parking area with 83 spaces. The ground floor area will accommodate the reception, office / staff accommodation and the outpatients consultation rooms and radiology facilities.

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The entrance to the reception area will also allow dual access from the north western corner of the building (facing Fabian Way) and also from the rear courtyard and from the basement undercroft parking area. The first floor will accommodate the day wards, operating theatres and 12 inpatients bedroom accommodation. The second floor area will accommodate the mechanical plant room and a PV panel array which are proposed on part of the roof area.

The planning application is supported by a number of documents and assessments including:

- o Planning Statement
- o Design and Access Statement
- o Pre-application Consultation Report
- o Transport Assessment (incl Travel Plan framework)
- o Flood Consequences Assessment
- o Geo-Environmental & Mining Preliminary Risk Assessment
- o Noise Assessment
- o Air Quality Assessment

### **Main Issues**

The main planning considerations relate to the principle of development having regard to Development Plan Policy, Urban Design, Highways, traffic, car parking, access and pedestrian movements, Hydrology and Drainage, Contamination, Air Quality, Noise and Archaeology.

### **Compliance with Development Plan Policy**

The outline planning permission under Ref:2002/1000 for the mixed use development at SA1 Swansea Waterfront established the principles of the development through the Development Framework and Land Use Masterplan. A significant proportion of the SA1 Swansea Waterfront infrastructures together with a significant number of buildings have been completed in accordance with the original outline planning permission. The permission was varied under ref:2008/0996 which essentially sought to allow changes for the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the Section 73 permission indicates that the development shall accord with the SA1 Swansea Waterfront Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April, 2010) and that any departures from the Masterplan will be considered on its merits having specific regard to the provisions of UDP EC2 and other related policy. UDP Policy EC2 provides further support for the principle of a major redevelopment area at SA1 for a mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services.

The SA1 Masterplan was amended further under the recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter.



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This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan seeks only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996.

Within the SA1 Swansea Waterfront Masterplan - Figure A2.1, the land use for Plots A15 & 16 are allocated for office use with an indicative storey height of between 3 to 4 stories. The Masterplan indicates an indicative perimeter block layout with a vehicular access from Lamberts Road via Langdon Road.

Planning Permission has previously been granted on Plot A16 in September 2004 for the erection of a 3 storey hospital building with undercroft and surface car parking and associated landscaping and infrastructure (ref:2004/1022) but was not implemented at that time. Additionally, the Beacon Health Centre on Plot A13 was also granted permission contrary to the masterplan and therefore creates an additional precedent. The Parkway Dental Centre also occupies Plot D4. Therefore, whilst the proposal amounts to a departure from the approved land use SA1 Masterplan, Condition 2 of the revised outline consent indicates all departures from the approved Masterplan will be considered on its merits having specific regard to the provisions of the adopted City & County of Swansea Unitary Development Plan Policy EC2 and relevant and related policy. In the context of the site, it is considered that the relocation of Sancta Maria Hospital to this location would represent an acceptable departure to the SA1 Swansea Waterfront Masterplan.

### **Urban Design**

As indicated above, the site is allocated within the SA1 Swansea Waterfront Masterplan for office use with an indicative building height of 3 / 4 stories. The proposed private hospital is considered to be an appropriate alternative use that can provide the necessary architectural presence and building scale at this key gateway site.

Plots A15/A16 are identified within the SA1 Swansea Waterfront Design and Development Framework (August 2004), as a prominent gateway into SA1 and also a key element of the gateway approach into the City along the Fabian Way corridor. The existing developments on Plot A12 (Ellipse Building) and the Beacon Health Centre on Plot A13 have responded to the gateway context in different manners and both are considered to be successful architecture. The proposed layout and massing defines the site perimeter in accordance with the SA1 masterplan whilst leaving scope for future expansion on the north-eastern and southern elevations.

The Inpatient/ Outpatient block is well resolved architecturally with a high degree of fenestration and solar shading that gives depth to the elevation. The set back of this block from the link road should mirror the developments opposite. The operating theatre/ diagnostic block has a different introspected nature. The scale relates well to Fabian Way and the architecture responds to this key frontage. The external finishes to the proposed design will predominantly consist of brick, with the use of timber and metal infill cladding in order to break the massing.

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The pedestrian entrance is located at the north-western corner of the building which is appropriate in order to provide a legible entrance. The glazed corner and roof form provides an architectural emphasis to the Fabian Way frontage in a three dimensional manner and provides a visual transition between the two frontages.

The northern elevation of the building is set back from the Fabian Way frontage to respect the cycle route / landscape corridor along the Fabian Way frontage which required a joint use footpath / cycleway and possible bus lane to accord with the SPG. The service yard will be enclosed with a wall enclosure set back behind the building to allow the landscaping to soften the frontage. To the south onto Langdon Road a more open aspect is appropriate which will be suitably landscaped.

Therefore the proposed use is supported in urban design terms which will provide a satisfactory layout and architectural response to this prominent gateway site into SA1 Swansea Waterfront.

### **Highways, traffic, car parking, access and pedestrian movements**

A Transport Assessment has been submitted with the application which assesses the impact of the development on the existing highway infrastructure. Vehicular access will be obtained from the existing access from Lamberts Road via Langdon Road leading into an undercroft car parking area with 83 spaces. The level of parking provision is considered sufficient in order to keep the internal road layouts free from indiscriminate parking. The existing access also serves residential developments of Mariners Court and Llys Hafan, the Parkway Dental Clinic and Waterfront Community Church.

Lamberts Road is a one way circulatory and meets Langdon Road as a priority junction. The proposed new hospital suggests a realignment of the gyratory to facilitate access to the hospital, and the Head of Transportation has expressed concerns that the proposed changes to the highway layout would give too much priority to the other hospital users to the detriment of everyone else that access/travel this roundabout. During consideration of the application, a Road Safety Audit of the proposed highways arrangement has been submitted, and whilst Highways have retained concerns regarding the one way/two way interface on Lamberts Road, they are of the opinion that an appropriate highway design could be made to work, whilst maintaining the proposed hospital site layout, kerb-line and tracking space required for the hospital subject to the final design being assigned to CCS Highways to design (under a possible hybrid Section 38/278 - as the land is covered by a Section 38 but is currently owned by Welsh Government).

The Head of Transportation indicates that a design that keeps the two access points as per the proposed site plan (one for the visitors and one for the servicing) but would end up with a design that is more conventional, and therefore more acceptable from a highways safety viewpoint. This may result in some kerb realignment to the south of the site but it would not impact on the building footprint.

On this basis the application is considered to be acceptable in relation to its highway impacts in that such details, to ensure a safe access and egress at the site, can be provided for via a suitable planning condition.

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## **Hydrology and Drainage**

### **Flood Risk**

The application is accompanied by a Flood Consequences Assessment which has been undertaken in accordance with the guidelines on Development and Flooding Risk, as set out in Planning Policy Wales Technical Advice Note 15 (TAN15). The FCA has identified and quantified the flooding issues associated with the proposed development site, and provided a conceptual mitigation and a draining strategy.

The proposed development is located in Zone A under TAN15 Development Advice Maps where it is considered to be little or no risk of fluvial or tidal / coastal flooding and that a justification test is not applicable for the development. Following the development of the Swansea SA1 area, the development levels of the site are below those of the surrounding land. The level of the existing access to the west of the site is indicated to be 10.65m AOD, whereas the lowest level within the site is 7.98m AOD. It is indicated that the tidal levels around Prince of Wales Dock with an allowance for climate change is 7.57m AOD, and therefore the risk is low for tidal flooding.

### **Drainage**

The existing drainage infrastructure would be utilised to serve the proposed development and the surface water strategy for the existing SA1 development comprises separate highway and plot drainage systems with outfalls into the Prince of Wales Dock, although surface water from roads / car parking areas will be treated using a combination of hard engineering solutions such as interceptors and SUDS.

The foul drainage strategy comprises of piped gravity system via Lamberts Road with Langdon Road with spurs from each development plot. The existing foul network discharges to the existing Dwr Cymru Welsh Water (DCWW) sewer which lies below Langdon Road that connects to Swansea Waste Water Treatment Works to the east.

NRW and DCWW have raised no objections in this respect, and having regard to the above, it is considered that matters relating to hydrology and drainage are being satisfactorily dealt with in accordance with UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters), EV35 (surface water run off) and EV36 (development and flood risk).

## **Geo-Environmental & Mining Preliminary Risk Assessment**

The Geo-Environmental, Geotechnical & Mining Preliminary Risk Assessment has been submitted which identifies the site as part of the former industrial docklands and the site was previously occupied by railway sidings and coal yard. There are potential contaminative sources from those previous uses, made ground fill and numerous historical potential contaminated land uses within the surrounding area and the Assessment concludes that a degree of mitigation / remediation will be required to make the site suitable for the proposed development.

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On the basis of the findings of the preliminary risk assessment it is recommended that a suitably designed intrusive ground investigation is undertaken to confirm ground and groundwater conditions at the site. Should contamination be identified during the ground investigation, further detailed quantitative assessment work will be required with the development of appropriate remediation and mitigation.

UDP Policy EV38 requires development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment and suitably worded planning conditions are therefore recommended accordingly.

### **Air Quality**

The application is accompanied by an Air Quality Statement which identifies that the development has the potential for air quality impacts during construction due to dust, particulate emissions and exhaust emissions from construction traffic. During operation there will be exhaust emissions from operational traffic / local energy plant and from the impact on the future residents / staff of the hospital due to exposure from road traffic as the site lies adjacent to the A483 Fabian Way.

The Statement concludes that the available data indicates that air quality on and in the immediate vicinity of the development is good, with concentrations within the air quality objectives and EU limit values for the protection of human health. Whilst there are ongoing exceedances of objectives in the nearest Air Quality Management Area (Swansea) air quality is expected to improve in the future. It is concluded that the implementation of dust management through a Construction Method Statement would mitigate any potential impacts on the operation of construction traffic and heat plant emissions would be negligible. This can be controlled through a planning condition. Additionally, it is concluded that there would be no significant air quality constraints on the development and that the impacts of the operation of the development are likely to be negligible. The Head of Pollution Control has raised no concerns in respect of air quality and accordingly it is not considered that the proposal would conflict with the provisions of UDP Policy EV40 (air, noise and light pollution).

### **Noise**

The Acoustics Assessment identifies that the local noise climate consists mainly of road traffic from the A483 Fabian Way on the surrounding public highway. An acoustic survey has been conducted to establish the prevailing ambient noise conditions at the site.

Subject to the incorporation of suitable noise mitigation measures into the building / glazing façade design of the building would provide acceptable conditions within the building.

No objections have been received Pollution Control and it is considered therefore that the proposals would not unduly conflict with UDP Policy EV40 (air, noise and light pollution).

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### Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) indicate that the archaeological interests in the site relate to its previous industrial use in respect of the activity relating to the Prince of Wales Dock and associated railway lines. GGAT advise that the impact on the buried archaeology will require mitigation through archaeological investigation and the likely causes of impact will be works for basements, foundations and services installation including sewer provision. A condition should be attached to ensure that the programme of work would be an archaeological watching brief, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed.

### Conclusion

The relocation of Sancta Maria Hospital to this location would represent an acceptable departure to the SA1 Swansea Waterfront Masterplan, and the scale and design will provide a satisfactory layout and architectural response to this prominent gateway site into SA1 Swansea Waterfront. The proposed highway improvements within Lamberts Road can be satisfactorily designed in order to safeguard highway and pedestrian safety within this area. In conclusion it is considered that the proposed development is acceptable when assessed against the provisions of the Unitary Development Plan policy, adopted Supplementary Planning Guidance and the approved Design and Development Framework for SA1. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended.

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

### RECOMMENDATION:

#### APPROVE, subject to the 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:

1712-SMH-ALL-ATP-201 Site Location Plan; 1712-SMH-ALL-ATP-202 Existing Site Plan; 1712-SMH-ALL-ATP-204 Proposed Level B - Basement Floor Plan; 1712-SMH-ALL-ATP-212 Street Elevation; 1712-SMH-ALL-ATP-213 Existing Site Sections; 1712-SMH-ALL-ATP-214 Proposed Site Section; 1712-SMH-ALL-ATP-215 GA Section 001, 002 & 003; 1712-SMH-ALL-ATP-216 Section 004 & 005; 671-IN-3-500 Landscape Masterplan; SMH-ATP-203 Proposed Site Plan 1:500; SMH-AZ-003 P01 Proposed Site Plan 1:250; - Plans received 7 December, 2017.

172\_SMH\_ATP\_205 Rev P03 Proposed Level 00 - Ground Floor Plan; 172\_SMH\_ALL\_ATP\_206 Rev P03 Proposed Level 01 - First Floor Plan; 172\_SMH\_ALL\_ATP\_207 Rev P03 - Proposed Level 2 - Plant Room Plan; 172\_SMH\_ALL\_ATP\_208 Rev P03 - Proposed Level 3 - Roof Plan; 172\_SMH\_ALL\_ATP\_2010 Rev P06 - Proposed Elevation - North / South Facing; 172\_SMH\_ALL\_ATP\_2011 Rev P06 - Proposed Elevation - East / West Facing; SK001 Rev A - Access Road General Arrangement; SK002 Rev A - Swept Path Analysis - amended plans received 9 February, 2018;

172\_SMH\_ALL\_ATP\_222 Rev P02 View from Fabian Way (North West); 172\_SMH\_ALL\_ATP\_223 Rev P02 View from Langdon Road Fabian (South West); 172\_SMH\_ALL\_ATP\_224 Rev P02 View from Lamberts Road Fabian (South East); 172\_SMH\_ALL\_ATP\_225 View from Fabian Way (North East); - amended plans received 12 February, 2018.

Reason: To define the extent of the permission granted.

- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of super structure works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window unit within its opening;
- o Typical external door within its opening;
- o Curtain Walling;
- o A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed;
- o Details of the location, extent, design and finish of all visible external ventilation / louvres;

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- o Balustrades;
- o Brise Soleil;
- o PV Solar Panels.

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

Reason: In the interests of visual amenity.

- 5 The precise design, extent and height of any means of enclosure within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be built in accordance with the approved details and retained thereafter to serve the development.

Reason: In the interests of visual amenity and general amenity.

- 6 Notwithstanding the details shown on any approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The scheme shall include details of all external lighting, any external structures and the external surfacing to vehicular and pedestrian circulation and car parking areas within the communal areas and 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 five 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, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 7 The proposed parking areas hereby approved as illustrated on the submitted plan shall be:

- (i) porous or permeable; or
- (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage; and
- (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason: In the interests of sustainability.

- 8 Notwithstanding any detail shown on the approved plans, the levels of the building, site access road in relation to the adjoining land and highway shall be completed in accordance with the submitted and approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

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- 9 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 preliminary risk assessment which has identified:
    - o All previous uses;
    - o potential contaminants associated with those uses;
    - o a conceptual model of the site indicating sources, pathways and receptors;
    - o potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: It is considered that the controlled waters at the site are of high environmental sensitivity, being a Secondary Aquifer and contamination is known / suspected at the site due to its previous industrial uses.

- 10 Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

- 11 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works, and including verification sampling of the imported soil, set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.



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The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 12 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 14 Prior to commencement of the development, detailed plans of any piling operations to be carried out within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or other foundation designs using penetrative methods will only be allowed for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure that a statutory nuisance does not for neighbouring premises and in order to assess potential for pollution of controlled waters from inappropriate methods of piling.

- 15 Prior to the commencement of the development, including any demolition and site clearance works, a Construction Method Statement (CMS) detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;

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- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoardings;
- v) wheel washing facilities;
- vi) measures to control the emissions of dust, dirt and noise during demolition and construction;
- vii) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- viii) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network.

- 16 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and a detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

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

- 17 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 18 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

- 19 Notwithstanding the details indicated in Drawing No. SK0001 Rev A, no part of the development hereby approved shall be occupied until the access road improvements on Lamberts Road have been submitted to and approved in writing by the Local Planning Authority. The road layout shall be completed in accordance with the approved plans.

Reason: In the interests of highway / pedestrian safety and visual amenity.

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- 20 Prior to the beneficial use of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for monitoring and recommending adjustments to the Travel Plan in consultation with the Local Authority. The approved plan shall be implemented prior to the occupation of any part of the development and the development shall thereafter take place in accordance with the approved plan.  
Reason: In the interests of sustainability and to reduce the demand for car borne travel.
- 21 Prior to any beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority showing the cumulative rating level of building plant services which shall not exceed the background noise levels stated in Table 2 of the Hoare LEA Acoustic Report, Sancta Maria Hospital, Swansea, Planning Report 07/12/2017, Revision 2 - Daytime LA90 47dB and Night-time LA90 39dB. Development shall thereafter take place in accordance with the approved scheme.  
Reason: In the interests of the amenities of the surrounding area.
- 22 Prior to any beneficial use of the development, a Delivery Noise Management Scheme including details of servicing, timing of deliveries shall be submitted to and approved in writing by the Local Planning Authority. The vehicular servicing of the site shall thereafter take place in accordance with the approved details.  
Reason: In the interests of the amenities of the surrounding area.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, EV4, EV33, EV34, EV35, EV36, EV38, EV40, EC2, HC1, HC3, HC17, AS1, AS2, AS5 & AS6).
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#### UDP - CC3 - St David's/Quadrant

The St David's/Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. Any other retail based development, whether within or outside the City Centre, will be evaluated against this aim. Development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.

#### UDP - CC4 - Parc Tawe

Definition of appropriate uses and floorspace in Parc Tawe (Phase 1), and consideration of other proposal within the Parc Tawe area. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV5 - Art in the Environment

The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - EV9 - Development in Conservation Areas

Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

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UDP - AS4 - Public Access Routes

Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### Site History

App Number	Proposal	Status	Decision Date
2017/1756/ADV	Retention of internally illuminated fascia sign	APP	10.11.2017
2017/2013/NMA	Non Material Amendment to planning permission 2016/0662 granted 26th October 2016 to amend Condition 4 in order to clarify the Gross External Area (1,483.2 sq. metres), the inclusion of a mezzanine within Unit 2C (an additional 167 sq. metres) and minor external alterations in respect of a ground floor door and fire escape door / staircase on rear elevation	APP	03.10.2017
2017/2068/FUL	Provision of enclosed rear compound to house air conditioning/refrigeration plant, 4 no.bollards and associated external alterations	APP	14.11.2017
2017/2069/ADV	One internally-illuminated fascia sign	APP	13.11.2017
2017/2204/FUL	Proposed sliding security gates to service yard access points A and B	APP	01.12.2017

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2018/0413/S73	Section 73 application to vary Condition 3 (to allow sale of food by two users up to 3,720 sqm in total (GEA), and Condition 2, 4, 5, 6, 7 & 21 (to refer to updated Site Plan - amalgamation of Units 5A & 5B) and Condition 9 (to amend external finishes to Units 5A / 5B) of planning permission 2016/0662 granted 26/10/2016	PDE

### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) with the display of a site notice. No public response received.

**Highway Observations** - no highway observations

### APPRAISAL

#### Introduction

This is a further application under Section 73 of the Town and Country Planning Act 1990 (as amended) relating to the refurbishment of the Parc Tawe retail and leisure development to vary Condition 3 (to allow sale of food by two users up to 3,720 sqm in total (GEA), and Conditions 2, 4, 5, 6, 7 & 21 (to refer to updated Site Plan - amalgamation of Units 5A & 5B) and Condition 9 (to amend external finishes to Units 5A / 5B) of planning permission 2016/0662 granted 26 October, 2016.

The refurbishment of Parc Tawe was originally granted planning permission under ref: 2013/1815 and Conditions 2, 4, 8 and 36 were amended at Appeal on 2 September, 2015. There have been several non-material amendments approved to the original design and the Section 73 approval under ref: 2016/0662 amended the requirements of the various planning conditions, including that under Condition 3 and the refurbishment is now substantially completed.

#### Section 73 Procedures

As a Section 73 application, the only matter which can be considered is the conditions to which the application relates and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new planning permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission.



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### Current Proposal

Condition 3 under the Section 73 permission (ref: 2016/0662) was amended to read:

*Notwithstanding Condition 2, Units 1, 5A, 5B, 5C, 6A, 6B, 6C, 6D, K1, K2, K3 and K4 hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P-024 Rev U) may also be permitted for the sale of food, **but such use shall be restricted to a single user for up to 1,860 sq m (gross external area).***

*Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.*

The condition allowed one of the units to be used for the sale of food for up 1,860sqm (20,000 sq ft), and this has allowed Unit 6A to be occupied by Iceland Warehouse. It is indicated by the applicant that Units 5 A / B (1,858 sqm) remain vacant following the refurbishment and that an additional food retailer has expressed an interest in occupying Units 5 A / B in order to operate a food store. The application therefore seeks to amend Condition 3 to read:

*Notwithstanding Condition 2, Units 1, 5A, 5B, 5C, 6A, 6B, 6C, 6D, K1, K2, K3 and K4 hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P-024 Rev X) may also be permitted for the sale of food, **but such use shall be restricted to two users for up to 3,720 sq m (gross external area).***

*Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.*

The application would effectively allow an additional unit to operate as a food store, thereby doubling the amount of floorspace which may be used for the sale of food.

### Background and Assessment

Whilst Parc Tawe is situated within the City Centre Action Area where UDP Policy CC1 supports retailing and associated uses (including A1 and A3), in determining planning application ref:2013/1815, there was concern that the refurbishment of the retail park would pose a threat to the Council's aspirations to enhance the vitality, attractiveness and viability of the City Centre as a regional shopping destination, and in particular securing the future comprehensive redevelopment and enhancement of the retail core at St Davids / Quadrant. The LPA therefore considered that the use of restrictive conditions were necessary to avoid an unrestricted Class A1 and A3 planning permission which potentially would lead to unacceptable impacts on the city centre retail core, contrary to UDP Policies EC4, CC1, CC2 and CC3. The applicant contended that the use of such conditions would render the permitted scheme unviable and appealed the conditions, in particular Conditions 4 and 8 which sought firstly to restrict the sale of a range of retail items and secondly, to prohibit the amalgamation or sub-division of the retail units.

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The Appeal Inspector concluded that Condition 4 was not necessary to protect the vitality and viability of the city centre retail core and would not put the regeneration of the St David's / Quadrant area at significant risk and that Condition 8 was unreasonable and amended the condition to prevent subdividing the retail units below 700 sq m or further amalgamated above 3,500 sq m. Condition 3 was amended on Appeal to read:

3. *Notwithstanding Condition 2, Units 1, 5A, 5B, 6A, 6B, 6C, 6D hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev D) must not be used for the sale of food.*

*Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.*

The Appeal Inspector whilst removing the retail restriction retained that in relation to the restriction on the sale of food at Parc Tawe, although there is no explanation given why in her report, although it is noted that the original 1987 permission was subject to conditions which prevented the sale of food. Planning Policy Wales advises:

*"10.3.1 When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account, compatibility with any community strategy or up-to-date development plan strategy; need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan; sequential approach to site selection; impact on existing centres; amongst other issues. "*

Having regard to the inclusion of Parc Tawe within the City Centre Action Plan area, within the context of PPW and the Swansea UDP Policies EC4, CC2 & CC4 it may be argued that it is not necessary to assess the proposal against the need for the development or adopt a sequential approach to the proposal. Moreover, as the proposal relates to a change of use of less than 2,500 sq m, as Parc Tawe is located within a sequentially preferred location for retail floorspace in compliance with PPW and TAN 4, there is no planning policy requirement to demonstrate quantitative retail need or to assess the retail impact of the proposal. However, the modification of the condition to allow the sale of food should have regard to whether there would be any material adverse impact upon the attractiveness, vitality and viability of the City Centre in accordance with Policies CC2 and CC3 in particular, whether any development proposals would put at risk the comprehensive retail led regeneration of St David's / Quadrant area. It should also be borne in mind that Policy CC4 indicates the appropriateness of retail (A1) in Parc Tawe Phase 1.

The Swansea Central Area: Regeneration Framework (Feb. 2016) suggests that the St David's / Quadrant scheme should deliver a retail leisure led scheme of quality, scale and critical mass for the wider regeneration of the central area and provide quality anchors and a quality offer to encourage retailers to Swansea. The applicants argue that a food store would not meet these regionally ambitious objectives. It is further highlighted that the Unilateral Undertaking (UU) related to the existing permission (ref:2013/1815) identifies a number of 'restricted' retailers which were agreed as being potentially damaging to the retail core and that of the St David's / Quadrant proposal.

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For example, these include the likes of Marks and Spencer who also have a food offer but would not be able to relocate to any unit on Parc Tawe as part of these restrictions for the duration of the UU (i.e. 5 years or 7 years, dependent upon whether they are currently trading from the retail core - the period intended to allow St David's Quadrant scheme to get underway). Therefore, amending Condition 3 further to allow an additional retail food store would not adversely affect the attractiveness, vitality and viability of the City Centre nor put at risk the development proposals for the comprehensive retail led regeneration of St David's / Quadrant project.

### Other Conditions

As indicated above, several of the details under the conditions have been approved and the wording of the conditions therefore need to be updated to reflect the current situation and in particular with reference to the condition discharge application references and also to the updated Site Plan (9485 P-024 Rev X) submitted with this proposal. On this basis it is proposed to update the wording of Conditions 2, 4, 5, 6, 7 and 21 to have regard to the revised Site Plan.

### External Alterations

The existing elevations to Units 5 A / B are proposed to be adjusted to suit the proposed operator's requirements. These include the removal of the existing entrance doors / canopies on the front elevation with the installation of a new glazed shopfront and the rear loading bay door will also be amended. The new tenant signage on the front elevation will require separate advertisement consent. These alterations are relatively minor and are considered acceptable and typical of contemporary retail park vernacular and would comply with the provisions of UDP Policies EV1, EV2, EV4, EV5, EV9 and CC5 of the Council's adopted UDP. It is proposed to amend the external finishes Condition 9 in order to accommodate these alterations.

### Section 106

As part of the former appeal decision the applicant entered into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (1990) in order to limit the occupiers of Parc Tawe to prevent harm to the vitality and viability of the City Centre (dated 26 June 2015). The Section 73 permission included a Deed of Variation to that effect (12 October 2016). In order to ensure that this new permission is also bound to the original terms to protect the City Centre a further variation to the provisions of the Unilateral Undertaking is required as part of this planning permission.

### Conclusion

Having regard to the proposal it is considered that the variation of the planning conditions set out on planning permission 2016/0662 results in an acceptable form of development in this instance that complies with the requirements of policies set out in the City and County of Swansea Unitary Development Plan (Adopted 2008). Approval is therefore recommended.

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

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

### RECOMMENDATION:

**APPROVE, subject to the completion of a new Section 106 Unilateral Undertaking (UU)/Deed of Variation re-instigating the existing provisions of the UU submitted under the Appeal to Planning Permission Ref: 2013/1815 (restricting retail operators at Parc Tawe) and subject to the following conditions:**

- 1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A1 at Parc Tawe Phase 1 shall not exceed 13,036 sq m (gross external area), including kiosks 1-4, as defined on submitted Site Plan 9485 P-024 Rev X. New mezzanine floorspace shall not be permitted in any units of the development.  
Reason: In accordance with UDP Policies CC2, CC3 and CC4, to protect the vitality and viability of the city centre retail core and to ensure that the development does not undermine the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 3 Notwithstanding Condition 2, Units 1, 5A, 5B, 5C, 6A, 6B, 6C, 6D, K1, K2, K3 and K4 hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P-024 Rev X) may also be permitted for the sale of food, but such use shall be restricted to two users for up to 3,720 sq m (gross external area).  
Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A3 at Parc Tawe Phase 1, including mezzanines, shall not exceed 1,300 sq metres (gross external area), excluding kiosks 1 - 4, as defined on submitted Site Plan 9485 P-024 Rev X.  
Reason: In accordance with UDP Policies CC2, CC3 and CC4, to protect the vitality and viability of the city centre retail core and to ensure that the development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

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- 5 Use Class A3 at Parc Tawe Phase 1 shall be accommodated solely within Units 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4 hereby permitted (as defined on submitted Site Plan 9485 P-024 X) and within no other unit at the site.  
Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 6 Units 2A, 2B, 2C, 3 and 8 hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev X) shall be used exclusively for uses in Class A3 and for no other purpose (including any other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).  
Reason: In accordance with UDP Policies CC2 and CC3, to ensure an appropriate mix of food and non-food units at the development and to ensure that the scale of development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 7 The units hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev X) must not be sub-divided below 700 sq m (gross external area) or further amalgamated above 3,500 sq m (gross external area).  
Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 8 The construction of the 'drive-thru' restaurant facility on Unit 8 shall be undertaken in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief approved under condition discharge ref:2015/2315. Following completion of the construction phase of works a report shall be submitted to the Local Planning Authority outlining the findings of the completed archaeological work.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 9 The external finishes, (including new shop fronts, doors and external security measures) and repainting of existing cladding and the precise pattern and distribution of the external finishes shall be implemented in accordance with the approved details under condition discharge ref:2015/2367 aside from those of Units 5A / 5B which shall be implemented in accordance with those details shown in drawing (020001) (Rev 2).  
Reason: In the interests of visual amenity.
- 10 The final design and treatment of the western elevation of Unit 7 (ten pin bowling alley) and Parc Tawe entrance from The Strand elevation shall be implemented in accordance with the approved details under condition discharge ref:2015/2367.  
Reason: In the interests of visual amenity.

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- 11 The final design and treatment of the newly exposed western and north western elevations to Plantasia shall be implemented in accordance with the approved details under condition discharge ref:2015/2367.  
Reason: In the interests of visual amenity.
- 12 The living green walls to the southern elevation of Unit 4, the north western elevation of Plantasia and to the northern edge of the service access road, shall be completed in accordance with the approved scheme under condition discharge ref: 2015/2513.  
Reason: In the interests of visual amenity.
- 13 The approved landscaping scheme under condition discharge ref:2015/2513 shall be carried out by the developer using all reasonable endeavours including any necessary consents from the local authority prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4. Any trees or shrubs planted in accordance with this condition which are removed shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. Any trees or shrubs planted in accordance with this condition which die or 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, and to accord with Section 197 of the Town and Country Planning Act 1990 and to accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.
- 14 The landscaping bund to Quay Parade shall be retained at its current height unless otherwise indicated within the approved scheme under condition discharge ref:2015/2513 (provided that the developer after using reasonable endeavours obtains any necessary consents from the local authority). The existing trees and vegetation and any new planting within the bund shall be retained in perpetuity (except where expressly authorised by the approved landscaping scheme).  
Reason: To ensure that the site is satisfactorily landscaped and to provide screening to the surface car park from this highly prominent and important gateway location.
- 15 No trees, shrubs or vegetation within the application site shall be removed, felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority. Any trees, shrubs or vegetation removed without such authorisation, or dying, or being seriously damaged or diseased during the implementation of the development shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 16 The development shall be implemented in accordance with the Japanese Knotweed Management Plan approved under condition discharge ref:2015/2367 prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 17 The development shall be implemented in accordance with the recommendations of Waterman Parc Tawe, Swansea - Ecological Building Inspections Report (EED13992-100\_R\_1\_1\_2\_LM).  
Reason: In the interests of ecology.

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- 18 The cycle and motor cycle parking shall be laid in accordance with the Proposed Site Plan 9485 P 024 Rev U approved under condition discharge ref:2015/2367 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of highway safety.
- 19 The 50 disabled parking spaces shall be laid out in accordance with the Proposed Site Plan 9485 P Rev U approved under condition discharge ref:2015/2367 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of accessibility.
- 20 The proposed scheme for the protection works to the existing footbridge linking the site to Worcester Place, shall be implemented prior to the commencement of the refurbishment works to the footbridge in accordance with the scheme approved by the Local Planning Authority under condition discharge ref:2015/2367 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority).  
Reason: In the interests of highway safety.
- 21 The existing at grade pedestrian linkages between the site and the Parc Tawe Link Road shall be widened in accordance with the details indicated on the landscape plan (ref:2375/15/B/1G) and the site plan (ref:9485 P-024 Rev X)(provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4.  
Reason: To improve pedestrian and cyclist permeability.
- 22 The new at grade pelican crossing on the Strand (as per Vectos drawing 131086/A/05) shall be completed under a section 278 Agreement with the Highway Authority prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority).  
Reason: In the interests of highway safety.
- 23 The development shall operate in accordance with a car parking management plan to be submitted to and agreed in writing with the Local Planning Authority (such approval not to be unreasonably withheld or delayed) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4.  
Reason: In the interests of sustainability and to ensure that the parking provision is being properly managed and contained within the site.
- 24 The development shall operate in accordance with a Travel Plan to be submitted to and approved in writing with the Local Planning Authority (such approval not to be unreasonably withheld or delayed) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

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- 25 The demolition and construction works on the application site (including all access roads) shall be implemented in accordance with the Construction Pollution Management Plan (CPMP) approved under condition discharge ref:2015/2367.  
Reason: To ensure minimal nuisance impact on local residents / businesses from construction activities.
- 26 The development shall be implemented in accordance with the site waste management approved under condition discharge ref:2015/2367.  
Reason: To assist the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.
- 27 If, during the course of development, contamination not previously identified is found to be present at the site, no further development (unless agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination  
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 28 The modifications to the ventilation / fume extraction to the Odeon Mechanical Plan shall be implemented in accordance with the approved details under condition discharge 2015/2367. Any new or replacement ventilation/ fume extraction systems to each A3 unit / kiosk shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the associated premises are occupied, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of general amenity.
- 29 A scheme for protecting any nearby retail/domestic premises from noise generated by any new or replacement external plant/machinery shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the associated Unit(s). The scheme shall demonstrate that the combined noise levels from all such plant units measured as an LAeq (1hour) will meet Noise Rating NR50. The assessments will be made at 1 metre from the facade of the closest retail/ domestic premises. Such works that form part of the approved scheme shall be completed before the associated premises are occupied and thereafter properly maintained, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect existing and future residents and other commercial operators from noise disturbance from the plant servicing the proposed development.
- 30 The detailed drainage strategy indicated on drg. Nos. WB03257 C 1502 - 1505 approved under condition discharge ref:2015/2367 showing how the foul water, surface water and land drainage shall be implemented prior to the construction of any impermeable surfaces draining to the system, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.



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- 31 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the public sewerage system.
- 32 No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by 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 detriment to the environment.
- 33 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 34 The development site is crossed by a 1650mm public combined sewer as marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Unless otherwise agreed in writing by the Local Planning Authority, no part of the building will be permitted within 8 metres either side of the centreline of the public sewer.  
Reason: To protect the integrity of the public sewer and avoid damage thereto.
- 35 The design and materials of the public realm floor map shall be implemented in accordance with drawing number 9845 P 031 Rev E and 9485 P 041 Rev F as approved under condition discharge ref:2015/2353.  
Reason: To accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies CC1, CC2, CC3, CC4, EC4, EV1, EV2, EV3, EV4, EV5, EV6, EV9, EV33, EV34, EV35, EV36, EV38, EV40, AS1, AS2, AS4, AS5 & AS6).
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#### UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC1 - General Employment Sites

Allocation of employment land to meet the needs of the local economy. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC3 - Established Industrial and Commercial Areas

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

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### Site History

App Number	Proposal	Status	Decision Date
2017/2638/FUL	Construction of a 4,672m <sup>2</sup> factory (Class B2) with ancillary parking, 2 bicycle shelters, smoking shelter, switch room, service yard and landscaping.	PDE	

### RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 229 Ystrad Road, The Park and the adjacent industrial unit occupied by Williams of Swansea Ltd, through display of a site notices dated 27th December 2017 and in the South Wales Evening Post.

ONE LETTER OF COMMENT was received requesting that the planning officer visited the site to assess the site boundaries in relation No. 229 Ystrad Road.

**Dwr Cymru/Welsh Water:** In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and responded by way of our formal pre-application consultation service and offers no objection to the principle of development insofar as foul flows from the proposal can be accommodated within the public sewerage system.

The submitted Drainage Strategy Report also highlights that the development site levels "would allow the surface water drainage system to gravitate in this direction" (Para 5.2.15). However, the submitted drainage layout provided at Appendix C indicates that the development would propose discharge of surface water into the public sewerage system via an attenuation device and on-site SuDS features. These proposals fail to acknowledge the content of our response (Ref: PPA0002227) which advised that the adjacent watercourse would need to be fully investigated and therefore, on the basis no evidence of further investigation has been provided, we maintain that no surface water shall be allowed to discharge to the public sewerage system.

In addition to the above, we would advise that the proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

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Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Accordingly, if the Local Planning Authority is minded to grant Planning Consent for the development, DCWW have requested the imposition of conditions and Advisory Notes to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Council's Pollution Control section:** The ground investigation report advises basic radon protection measures are required for the development, which can be conditioned or agreed as you see fit. Therefore no objections are raised subject to conditions in respect of unforeseen contamination and informatives regarding construction noise, smoke/burning of materials, dust control & lighting.

**Council's Ecology Officer:** Was consulted on the application, but at the time of writing this report had offered no comments to the application.

**Council's Tree Officer:** No objection. The trees on site are not protected by virtue of being in a conservation area or by a TPO. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The trees to be removed are categorised as C i.e. should not be considered a constraint to development. The scrub appears to be the expected encroachment on a disused site.

Although the trees are not of great quality their removal should be mitigated to minimise the impact on the environment. Please attach a landscape condition if you are minded to approve the application.

**Council's Drainage Officer:** Discharge should be to the existing on site inlet, which in our view is the most sustainable option as the DCWW SW Sewer that it connects to does discharge to the receiving watercourse that crosses Bruce Rd.

**Coal Authority:** No comments to date.

**Natural Resource Wales:** We do not object to the above proposal, however we wish to make the following comments.

Foul Water Disposal and Memorandum of Understanding

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

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

We strongly recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

For larger scale developments, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is to avoid hydraulic overloading of the sewerage system.

We also recommend that your Authority's Drainage Engineers are consulted in relation to the surface water proposals. This is to ensure there is no connection of surface water to the main sewerage system.

We note that the site is not suitable for infiltration and so surface water will go to the DCWW surface water network, via a pond to reduce flows. The applicant may also wish to consider other methods to manage surface water such as; grey water harvesting, water butts, green roofs and green walls. Green Infrastructure which is used to manage surface water will also provide other benefits such as enhancing biodiversity and providing health benefits for staff.

### Flood Risk

We note the submission of the document entitled; 'Flood Consequences Assessment (Report Ref: CC1635/100/REP01/C)', dated July 2017, by Cambrian Consulting Limited.

The site is located within Zone A on the development advice map, but there is an area of Zone C2 associated with an ordinary watercourse to the north east of the red-line boundary.

We have no knowledge of any additional flood risk to the site although blockage of structures within the ordinary watercourse could affect this, therefore advise that full consultation with your Lead Local Flood Authority is carried out in case they have any additional information on local flood risk.

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### Geoscience

Having reviewed the information provided, we note that the two submitted reports which examined previously land uses, demonstrate that the site is of low-risk with respect to controlled waters and we agree with these conclusions.

Nevertheless, we recommended that the requirements of Planning Policy Wales and the Environment Agency: Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed, as NRW have adopted this guidance.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site then your Authority may wish to re-consult the Natural Resources Wales.

### Ecology & Protected Species

We note the submission of the document entitled; 'Proposed Development of Plot H, Felinfach Industrial Estate Swansea: Preliminary Ecological Appraisal', dated 16 September 2016, by Clarke Webb Ecology Limited.

Section 3.9 of the above report states that the trees present at the site are of negligible/low potential for use as roosts by bats and that no further surveys are required.

We would support the recommendation laid down in Section 4.7 (i) which states that; 'should there be a need to remove or carry out significant works to any tree then felled timbers are checked for the presence of bats prior to stacking, chipping or removal from site.'  
However, if any bats are discovered, then work must stop immediately and NRW must then be contacted for further advice.

In addition, we advise that in line with standard best practice guidelines; pruning or felling of 'Negligible / Low' bat roost potential trees should be carried out using 'soft felling' techniques, and then left on the ground for 48 hours.

We also advise that you discuss the remaining recommendations laid down in Section 4 of the Ecological Appraisal with your Authority's Planning Ecologist, to determine if they wish to condition any of the other proposed measures. Any such conditions should be agreed by your Authority.

### Pollution Prevention & Waste Management

The biggest risk in relation to pollution, occurs during construction and the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

As best practice, we would advise the production of a site-specific Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan, with particular reference given to the protection of the surrounding land & water environments.

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We also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

The information submitted in relation to the proposed service yard at the site is currently very limited. Therefore, we advise that careful consideration will need to be given to the location of the surface water drains for this area. This is to ensure the protection of the surface water network.

**Highways** - The Transport Statement does not make any reference to baseline traffic flows and what impact this factory's traffic would have on them. Neither does it explain how the staff shift patterns work nor whether there will be any impact on the peak hour traffic movements. There are currently issues in terms of congestion in and around the site and the document has not demonstrated that this development will not be detrimental to highway safety. In its current state based on the Transport Statement I am not in a position to support the planning application.

In view of the above highway comments, capacity analysis was undertaken at Ffordd Cynore/Carmarthen Road/Ystrad junction, Cwmbach Road/Ystrad Road junction and Carmarthen Road/Kingsway junction and an addendum to the Transport Statement submitted which concluded that the proposed development has no material impact on the operation of the junctions under consideration.

Highways were consulted on the additional information received and have commented that the proposal will not have any material impact on the highway.

### APPRAISAL

This application is reported to Committee for decision as the proposal meets the Development Threshold (d) - The provision of building or buildings where the floor space to be created by the development is 2,000sq m or more.

#### Description of Development

Full planning permission is sought for the construction of a 4,672m<sup>2</sup> factory (Class B2) with ancillary parking, 2 bicycle shelters, smoking shelter, switch room, service yard and landscaping at Plot H, Bruce Road, Fforestfach, Swansea.

The application site is located on the westerly edge of Swansea West Industrial Park and is bounded by Ystrad Road, Bruce Road and Prydwen Road to the west, north and east respectively. To the south the site borders an industrial unit, a former element of the Louis Marx factory and today in use by Williams of Swansea. To the south west boundary of the site, there are residential properties between the common land and railway line.

The proposal would provide a new factory for Seminar Components, a Swansea based company who manufacture bespoke lift and recycling seating mechanisms. The Design and Access Statement (DAS) submitted advises that the company is currently based out of a series of connecting warehouses at the back of Cwmdru Industrial Estate.



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Each stage of the manufacturing process occupies a different building. This existing arrangement restricts the company's ability to expand and work effectively with an arduous circulation route connecting the various processes.

Seminar Components proposed to construct a modern, bespoke facility in close proximity to the current factory in order to retain its current work force. The new facility will seek to become a feature for employees, current and future clients and provide the company greater flexibility and the ability to rearrange production lines, increase productivity and expand manufacturing stages based upon demand and the introduction of new machinery.

The application site comprises of a 1.8 hectare site which is essentially rectangular in shape, approximately 210m by 70m. The proposed main factory building would be steel portal framed and measure 90 metres by 55 metres with shallowed angled roof which would be concealed behind a parapet 9.5 metres high to give the impressions of a rectangular flat roofed box. The factory would provide 4,997m<sup>2</sup> of internal floor area that would be split across the factory floor (4320m<sup>2</sup>) and first floor ancillary office accommodation and plant room (677m<sup>2</sup>). Access arrangements to the site would utilise a one way in/out access point off Bruce Road. Access to the site has been arranged to separate cars from heavy goods vehicles. One of the existing access points off Bruce Road will be retained and upgraded and be utilised, along with the creation of a new entrance as a one way in/out access point for cars. A further new entrance would be created for heavy goods vehicles only. Car parking bays for 89 vehicles are proposed including 4 no. disabled bays and 4 no. motorbike bays. Cycle storage is provided for 36 cycles.

### Main Issues

The main issues for consideration relate to the principle of this form of development at this location and the resultant impact of the proposed development on visual amenity, residential amenity, highway safety, drainage, land stability and ecology having regard for the provisions of policies EC1, EC3, EV1, EV2, EV3, EV33, EV34, EV35, EV39, AS1 and AS6 of the City and County of Swansea UDP. There are not considered to be any additional issues for consideration under the Human Rights Act.

### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

The site is identified under the provisions of the Swansea UDP Proposals Map as land which is allocated under Policy EC1 - strategic sites - Swansea West Industrial Park for employment uses. The amplification of this policy states that the land is allocated specifically for B1, B2 and B8 uses in order to meet Swansea's economic growth needs. Furthermore Policy EC3 states that improvements and enhancement of the established industrial and commercial area will be encouraged. The proposed development is considered to be compatible with the UDP designation of the site. It will offer employment opportunities for a Class B2 use. Therefore the proposal is considered acceptable in principle.

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UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. The current proposal needs to be considered in the context of the surrounding area. Policies EV33, EV34 and EV35 seek to ensure foul and surface water is properly disposed of and does not cause adverse impacts to the water environment whilst policy EV 39 seeks to ensure development does not take place on unstable land. Policy EV40 seeks to ensure development does not have an adverse impact as a result of air, noise and light pollution.

### Visual Amenity

The site forms part of an overgrown area of land which has been vacant since occupied by Louis Marx and Co. toy factory which was demolished down to slab level shortly after its closure in 1981, with the secondary building to the south being retained and still in use today by Williams of Swansea. The site has been designated for employment uses since at least the adoption of the current development plan in 2008 and in visual terms is an opportunity to breathe new life into this part of the industrial estate.

The visually prominent elevations to the north (adjacent to Bruce Road) and south (adjacent to Prydwen Road) are to be clad with a flat profiled panel to provide a contemporary façade and would allow for the use of different coloured panels that can be interchanged to create variance and façade articulation. The south and west elevations, are to be clad in trapezoidal vertical cladding, a typical material for industrial buildings.

The retention and management of the existing landscaping, along with new planting proposed along Bruce Road will help soften the building. This is further aided by the building being set back from the road and topographically lower than Williams of Swansea to the south. The proposed building is however considered to be of an appropriate size, scale and height which reflects similar buildings within the estate. As such in visual terms the proposed buildings are considered acceptable in compliance with the provisions of Policies EV1, EV2, EC3 and EC1 of the Swansea UDP.

### Residential Amenity

Turning to residential amenity, the proposed building would be sited approximately 100 metres away from the nearest residential properties on Ystrad Road, to the south west of the site boundaries. It is considered that given these separation distances, combined with the densely vegetated south and west site boundaries which would largely screen the building, the proposal would not result in unacceptable overbearing, overshadowing or overlooking effects which would impact on the living conditions of the occupiers of these neighbouring properties to such an extent that would warrant the refusal of this application.

The site forms part of the Swansea West Industrial Estate and has been allocated for employment uses for a number of years. It should be noted that if granted the occupier would have to comply with both the environmental requirements of Natural Resource Wales and Environmental Health legislation which are both outside of planning control. In this instance there is no reason to believe that the granting of this application to be used for B2 use would result in noise, light or odour pollution which would warrant the refusal of this application. As such, the application is considered to comply with the provisions of Policies EV1 and EV40 of the Swansea UDP.

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### Highway Safety

The proposal seeks to re-use one of the existing access points and create two new access points. Bruce Road is a wide and straight road and provides clear visibility in both directions for all existing and proposed access points. The site access and servicing areas have been designed to allow large articulated vehicles to enter, manoeuvre, park, and exit the site. In accordance with the Council's adopted SPG 'Parking Guidelines', the proposal requires 66 car parking spaces to serve the development and plus visitor parking spaces. In this instance, 85 car parking spaces and 4 disabled car parking bays are proposed following a study of existing parking requirements at their existing Cwmdru Industrial park facility. Cycle storage for 36 bicycles (a mix of short and long term stay) and 4 motorbike parking bays are also proposed.

The application has been accompanied by a Traffic Impact Assessment and following consideration of this information, the Highway Authority has advised that the proposal will not have a material impact on the highway. In view of the above, there are no highway objections subject to conditions and the proposal is considered to comply with the provisions of Policies EV1, EV3, AS1 and AS6 of the Swansea UDP.

### Impact on Trees

An arboricultural report has been submitted in support of the planning application. The proposal seeks to remove the low value shrubs and bushes that have grown across east, south and western site boundaries and the common alder tree on the northern boundary adjacent to Bruce Road in order to facilitate site access. Retained trees will be protected during the works and excavation monitored within the root protection areas. New planting will be undertaken in accordance with an agreed landscaping scheme which would enhance the green boundaries of the industrial estate.

The Council's tree officer has advised that the trees on site are not protected by virtue of being in a conservation area or by a TPO. The trees to be removed are categorised as C and should not therefore be considered a constraint to development. The scrub appears to be the expected encroachment on a disused site.

Therefore subject to a landscaping condition to mitigate for the removal of trees, it is considered that the site is capable of being developed without unacceptably affecting the trees on site. As such the scheme is considered to comply with the principles of Policies EV1 of the Swansea UDP.

### Land Stability

A report on coal mining risk from past workings has been submitted with the application. No issues have been identified in the report.

### Ecology

A Preliminary Ecological Appraisal (PEA) has been submitted in support of the planning application. The submitted PEA indicates that there is no evidence of bat roosts although the scrub land is likely to be used by foraging bats. There is low level badger activity however no setts apparent.

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Birds are highly likely to nest within taller denser vegetation within the site including trees and scrub during the spring and summer months and parts of the site appear suitable for low-level use by common reptile species such as slowworm, grass snake and common lizard. Finally, it is reported that the site appears suitable for use by great crested newts (if accessible to them) however there are no recordings of the species from within at least 1km of the site. It is considered that the site is capable of being developed without unacceptably affecting the ecology of the site subject to conditions in respect to bats, as recommended in NRW's consultee response. As such the scheme is considered to comply with the principles of Policies EV1 of the Swansea UDP.

### Drainage

The Council's drainage officer has advised that surface water should be discharged to the existing on site inlet which will allow water to discharge to the receiving watercourse that crosses Bruce Road. The site drains to the Burry Inlet and in accordance with the Memorandum of Understanding, as a major development there needs to be a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development. Dwr Cymru Welsh Water has raised no objections to the proposal subject to the imposition of conditions to address this issue.

However, due to the economic benefits arising from this development, it is considered that the compensation can be taken from the Council's Surface Water Removal register using capacity previously created as a result of other developments within the area. Consequently, such a condition is not necessary in this case.

### Burry Inlet Habitat Regulations Assessment

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

### Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

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This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

### Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

### Response to Consultations

In response to the letter received from No. 229 Ystrad Road, it is advised that the planning officer visited the site and the impact of the proposal on the residential amenities of surrounding neighbouring properties is addressed above in the report. In respect of the query in respect of site boundaries, the site would not be surrounded by a fence but a natural boundary will be formed through the reinforcement of existing soft landscape and introduction of new vegetation.

### Conclusion

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

In conclusion it is considered that subject to conditions the proposed development is acceptable in principle and will respect the visual amenities of the area, the residential amenities of the neighbouring properties, highway safety, trees, the ecology of the area and the existing drainage system in compliance with the provisions of Policies EV1, EV2, EV3, EC1, EC3, EV33, EV34, EV35, AS1 and AS6 of the Swansea UDP and approval is recommended.

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### RECOMMENDATION

#### APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:  
  
Site location plan, site aerial, topographical survey, proposed site layout, proposed plan, proposed elevations, received on the 12th December 2017. Coventry cantilever cycle shelter specification, Coventry cantilever shelter general arrangement, Coventry Gullwing canopy general arrangement, Coventry Gullwing cycle shelter specification, Seabridge smoking shelter general arrangement, Seabridge smoking shelter specification, switchroom proposed floor plan and elevations (Drawing No: EKV0091) received on 19th December 2017.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.  
Reason: In the interests of visual amenity.
- 4 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

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- 5 Notwithstanding the submitted details, no development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 6 Foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 7 Prior to the commencement of the development, a scheme outlining the basic radon protection measures to be undertaken/implemented, as noted in the submitted site investigation report received on the 12th December 2017 shall be submitted to and approved by the Local Planning Authority in writing. The development shall be implemented in accordance with the approved details.  
Reason: In the interests of human health.
- 8 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 by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.  
Reason: To ensure that the safety of future occupiers is not prejudiced.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EC1, EC3, EV33, EV34, EV35, AS1 and AS6
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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- 3 The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

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

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

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

- 4 No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.

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

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

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

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

- 6 During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations

- 7 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).



## Planning Committee – 3<sup>rd</sup> April 2018

Item 5 (Cont'd)

Application Number:

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- 8 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.

- 9 Works to vehicle access points and footways along Bruce Road will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

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 the Team Leader, e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk), tel. no. 01792 636091

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## Planning Committee – 3<sup>rd</sup> April 2018

Item 6

Application Number:

2016/1478

Ward:

Kingsbridge - Area 2

Location:

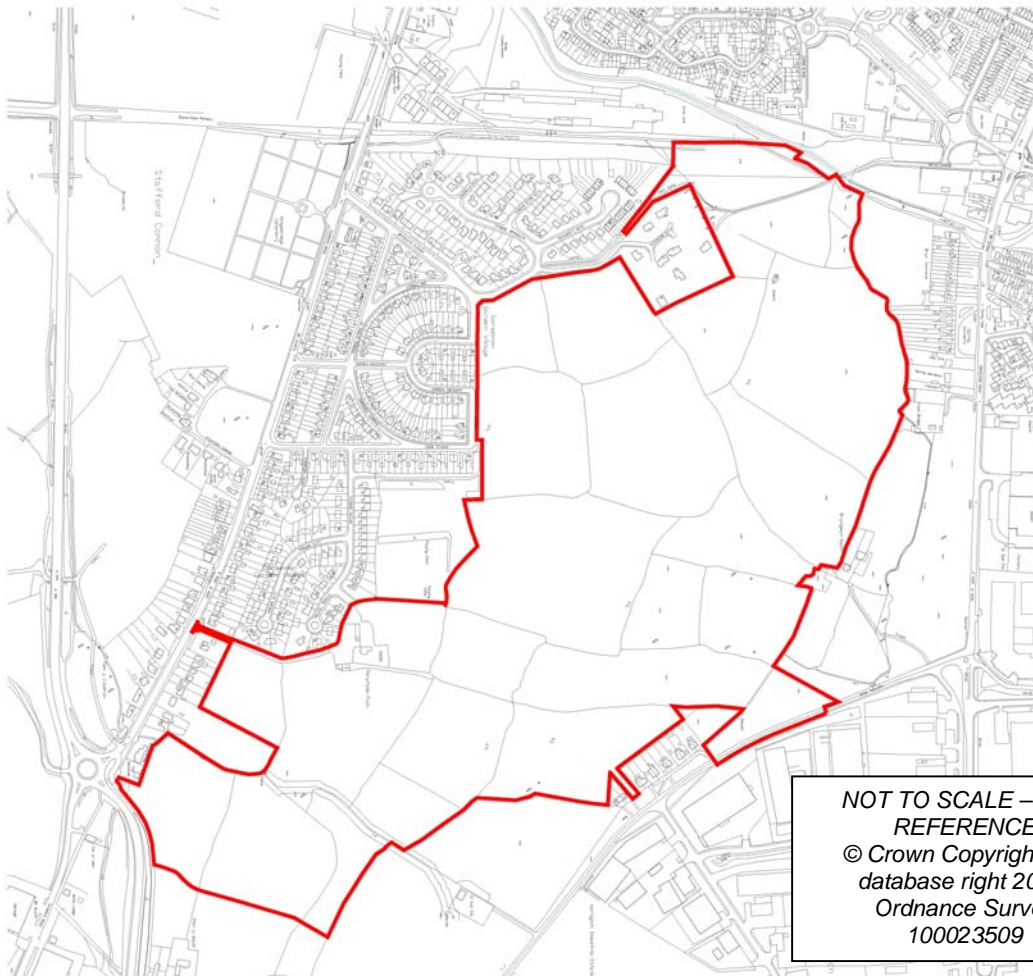
Land North Of Garden Village Swansea

Proposal:

Hybrid planning application (with all matters reserved apart from strategic access) for residential-led mixed use development, to be developed in phases, including: preparatory works as necessary including earthworks/regrading of site levels; up to 750 residential units (use Class C3, including affordable homes); provision of 1 no. Primary school; circa 280m<sup>2</sup> - 370m<sup>2</sup> of flexible A1-A3 / D1 floorspace; open space including parks; natural and semi natural green space; amenity green spaces; facilities for children and young people; outdoor sports provision including playing pitches; associated services, infrastructure and engineering works including new vehicular accesses, improvement works to the existing highway network, new roads, footpaths/cycleways; landscaping works (including sustainable drainage systems), ecological mitigation works and ancillary works.

Applicant:

Persimmon Homes West Wales Ltd



**Background Information**

**Policies**

**UDP - EV1 - Design**

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

**UDP - EV2 - Siting**

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

**UDP - EV3 - Accessibility**

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV20 - New Dwellings in the Countryside**

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV22 - Countryside General Policy**

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
- ii) Practical management and improvement measures.

(City & County of Swansea Unitary Development Plan 2008)

**UDP - EV23 - Green Wedges**

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV24 - Greenspace System**

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV28 - Sites of Local Importance**

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV30 - Trees, Woodland and Hedgerow Protection**

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

## Planning Committee – 3<sup>rd</sup> April 2018

### Item 6 (Cont'd)

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#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV41 - Hazardous Installations / Consultation Zones

The development of hazardous installations that would cause significant safety or health risk or adversely affect the natural heritage and historic environment will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC6 - Local Shopping Centres and Neighbourhood Facilities

The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC13 - Agricultural Land

Development that would result in the loss of the best and most versatile agricultural land will not normally be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

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**Item 6 (Cont'd)**

**Application Number:**

2016/1478

UDP - HC15 - Community and Health Facilities

Proposals for new and improved local community and health facilities will be supported subject to compliance with a defined list of criteria including access ability, significant impact on amenity, significant effect on natural heritage and historic environment and impact on adjacent road network. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC23 - Community Recreation Land

Development proposals that involve the loss of land for community recreation purposes will only be permitted where they comply with a defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC24 - Play Areas/Public Open Space

Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV5 - Art in the Environment

The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)

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Item 6 (Cont'd)

Application Number:

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### Site History

#### App Number

2016/1478

#### Proposal

Hybrid planning application (with all matters reserved apart from strategic access) for residential-led mixed use development, to be developed in phases, including: preparatory works as necessary including earthworks/regrading of site levels; up to 750 residential units (use Class C3, including affordable homes); provision of 1 no. Primary school; circa 280m<sup>2</sup> - 370m<sup>2</sup> of flexible A1-A3 / D1 floorspace; open space including parks; natural and semi natural green space; amenity green spaces; facilities for children and young people; outdoor sports provision including playing pitches; associated services, infrastructure and engineering works including new vehicular accesses, improvement works to the existing highway network, new roads, footpaths/cycleways; landscaping works (including sustainable drainage systems), ecological mitigation works and ancillary works.

#### Status

PDE

#### Decision Date

## RESPONSES TO PUBLICITY EXERCISE

### Initial Public Consultation

One Hundred and seventy five (175) local residents were directly consulted when the application was registered in August 2016. The application was advertised by way of 5 site notes and a press notice as a ul “departure application”

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Application Number:

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**EIGHTY ONE (81) LETTERS OF OBJECTION** were received. The concerns raised are summarised below:

- \* The original drawings indicated that there were to be no properties within the proposed parkland area which are to the rear of my garden. This would now appear to have changed with a line of houses at the base of one of the fields.
- \* I will lose visual amenity and my privacy will be adversely affected.
- \* I will also suffer noise interference and light deprivation.
- \* At present there is flooding within the locality and additional properties will only add to this issue.
- \* The proposal is a very large development which will have a massive impact on the existing local community.
- \* Concerns about road congestion and access to local amenities.
- \* It seems to me to be simply too large for the current infrastructure to accommodate and building a school on the site will not resolve wider issues.
- \* I also have concerns about the preservation of ancient woodland and the natural environment once the principle of large scale planning on this site is established.
- \* Having attempted to read the 22 pages of the transport assessment, I can see nothing to alleviate the congestion problems that we currently have in the vicinity, particularly at peak times where traffic can be at a standstill, let alone any plan to negate the effects of the traffic that would be generated by some 750 extra homes.
- \* A development of this size will destroy farm and common land that acts as a buffer between Garden Village, Gorseinon and Penllergaer, all but creating one urban sprawl where once we had what was effectively a green-belt.
- \* We hear much about increased flooding and the cost of flood defences on the news, yet developers seem unbowed in their desire to concrete over land that acts as a natural rainwater soakaway.
- \* Traffic congestion to Garden Village and the local community can be severe with road delays at peak times. The development would see increased volumes of vehicles impacting on air quality and even longer tailbacks.
- \* The proposed new secondary vehicle access onto Swansea Road is of concern for road traffic safety, being along an already busy road, at the brow of a hill with limited vision, with the potential of turning into a "rat run" to the proposed primary school, which is just an accident waiting to happen.
- \* Single road access to the new development will have a severe impact on the development's residents with regard to ingress/egress to the primary school. This in turn will result in parents trying alternative access i.e. the roads in Garden Village, as parking and drop off points.
- \* Local facilities in Garden Village are lacking and the additional houses will increase the pressure on the local doctors surgeries, chemists & dentists to support such a proposed increase.
- \* House building in the Gorseinon & Garden Village area will further increase the risk of pollution in the Burry Inlet (a Special Protection Area, a Special Area of Conservation and a RAMSAR site). Effluent increase will add to the yield capacity of the Gowerton treatment works. Although Welsh Water have been allowed a relaxation of the 10 spills criteria to 22 spills, the extra increase in effluent will increase the demand on the facility.
- \* The size of the development will impact adversely on many aspects of the surrounding area; local infrastructure, demands on NHS, dental practices and doctors' surgeries. Also, whilst a large Primary School is being built what about Secondary and Further Education provision?

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Item 6 (Cont'd)

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- \* Concerns that the water treatment works in Gowerton will not be able to cope if all these developments go ahead.
- \* Traffic increased on roads that cannot accommodate emergency vehicles.
- \* The fact that a green field site is being built on instead of brown field or regeneration of other areas is a cause for concern.
- \* What guarantees have we got those only 150 houses will use the Swansea Road access point? If a bus can travel all around the site then any vehicle can access Swansea Road.
- \* Has this been thought through properly or are problems being glossed over?
- \* The traffic in the area is bad enough now. I have been told that one of the ways of helping the flow of traffic will be a roundabout by my property. It is difficult enough to access the property now at peak times, I wonder if this roundabout will make it even more difficult.
- \* I am against the access road on to Swansea Road as it is I have to time when I leave my home because I have to reverse out. So I do not go out at peak times. I have to choose my times carefully. As a result of this, I also rely on the bus service if I go to Swansea or Llanelli. If the bus stop is moved I will have problems with that. If the bus service is diverted into the proposed site does that mean we will lose our current bus stop?
- \* I have grave concerns about flooding if building goes ahead on this site which currently acts as drainage. My property is called Winterbrook and in the winter the brook becomes a torrent. My main concern is that if the work is not done properly that in the winter the force of water could wash away the banks.
- \* How will the emergency services access the site with all the new proposed traffic uses for the site? We were initially told by Persimmon that the Swansea Road access would be for emergency services only. Now it is 150 units, drop off zone to the school, proposed bus route and pedestrians and cyclists. If there is need for the emergency services during a peak period and when buses are accessing the site how will they get in or out?
- \* Loss of agricultural land - With the amount of brown field sites available in Swansea I think it's very sad and greedy that developers are allowed to turn to green belt farmland rather than be given brown field sites that are currently sat empty ready to be developed.
- \* The proposal runs contrary to Local Development Planning - preferred strategy, and will result in the merger of distinct communities.
- \* The infrastructure, road network in the Gorseinon area including Kingsbridge and Upper Loughor is failing to meet current traffic demands.
- \* Your consultants Corun Transport and Highway Engineering have modelled the road infrastructure and concluded that traffic projected to 2025 is likely to exceed capacity at the following junctions. 1, 2 (pm peak), 4 (am peak), 4b, 6, 7, 8, 9, 10 (pm peak), 14 (pm peak), 15. There does not appear to be any indication as to how these problems are to be resolved.
- \* There is flooding within the locality. My house is sited on ground lower than the proposed development, my garden and the surrounding area get severely water saturated during long periods of rain. I feel that building on the proposed green field site will take away the already inadequate drainage, increasing the likelihood of flooding to my property.
- \* Garden Village is a VILLAGE, the proposed development will ruin the character of the existing village, and from looking at the plans it will almost double the size of the existing village.
- \* There is a cemetery in Garden Village. I would strongly suggest that next time there is a large funeral a planning inspector should attend to see the congestion that this causes. The cemetery has no parking facilities therefore people attending have to park on the residential streets of the village, this causes severe congestion turning the whole village into a single file road system, and I feel that if this development takes place the cemetery will need to close as the infrastructure will not cope.



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Item 6 (Cont'd)

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- \* I would like to see some green space in the area to protect wildlife and protected species.
- \* The bridge at the bottom of garden village (by the playing fields) I believe has a weight restriction of 7.5t. Why are heavy lorries and fully laden school buses being allowed to use that bridge into and out of garden village when clearly they or some of them are well over 7.5t. Again it is a serious safety issue.
- \* I do not think that a development of the size proposed is sustainable for the future especially as there have been two recent residential areas built off Loughor Road near Kingsbridge. The increase in population will place significant strain on local services, highways and schools with the increased traffic reducing air quality.
- \* I am also concerned about the lack of employment available in Swansea to the potential residents.
- \* Access points off Swansea Road, Ffordd Talfan, Myrtle Road and any other roads within the village into the proposed development will add extra noise and air pollution. There will be a huge increase in the amount of traffic entering the village and surrounding areas, which will impact upon the quality of life for existing garden village residents.
- \* Surface water caused by heavy rain runs like a river down the hills in Garden Village, in particular Swansea, Road, and Ffordd Talfan and St Paul's Terrace. The increase in pavements, tarmac roads and the removal of natural ground will prevent rain/flood water from draining away. The risk of flooding from surface water will increase.
- \* Loss of Green Wedge - CCS should be aware and follow the guidelines as set out by PPW with regard to the designation and sustainability of green wedges namely; Access to open countryside, Outdoor sport and recreation, Maintaining landscape and wildlife interest, Help to mitigate the effects of urban heat islands. PPW records that there is a presumption against inappropriate development and advises that Local Planning Authorities should attach substantial weight to any harmful impact which a development would have on a green wedge. Green wedge policies should be reviewed as part of the development plan review process.
- \* Coalescence: PPW sets out the purpose of underpinning the designation of the green wedge as to prevent the coalescence of large towns and villages with other settlements, to assist in safeguarding the countryside from encroachment and to protect the setting of an urban area. I believe that the proposed development ignores all of the above facts and all guidelines as set out in PPW and Garden Village will lose its identity.
- \* The proposed development would have an adverse effect on the residential amenity of myself and neighbours by reason of noise, disturbance, overlooking, loss of privacy and overshadowing.
- \* I have grave concerns about the impact the proposed development would have on the stability of local properties and surroundings including my own property as the land is sloping and already has an excess of surface water run-off and limited drainage.
- \* There is a gentleman's agreement between the occupiers of house number 12 Swansea Road SA4 4HE, Mr and Mrs Anthony, and the late Tom Edwards who lived at house number 10 Swansea Road SA4 4HE about a piece of land that runs alongside number 12 and is enclosed by hedge rows and has become a part of number 12 garden. Number 12 offered to pay rent for this land over 35 years ago but Mr Edwards declined any payment. Number 12 has maintained the upkeep of the land. There has been no access over this land by any occupants of number 10 for over 35 years. Right of ownership should have ended for number 10 so how can this be sold by them for development for access?
- \* The new primary school proposed to be built will only serve to accommodate the children from the new development, with no benefit at all to children from existing properties. So why use this to justify building a new housing estate when it has no benefit to existing families.

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- \* About 25-30 years ago there were proposals to build houses on these fields, but this was turned down by the Welsh Government.
- \* Big concerns about old mining shafts and existing fields soak up a lot of excess water. What happens once there are no more fields to do this?
- \* To have an access to the proposed school from drop off points in Myrtle Road and Swansea Road will simply add to an already clogged road system. In addition, the idea of having a drop off point for young children on the brow of the hill on Swansea Road is inherently dangerous to the children as well as other road users.
- \* The site in question forms part of the LDP consultation process. This consultation process has not yet been completed. As it has not yet been completed, it is supposedly not yet certain that the site in question will form part of the LDP. Or do you know something different?
- \* This application is not speculative and strongly suggests the Local Authority already have decided the site in question will form part of the LDP irrespective of the local opposition arising from the "consultation." As the LDP process is not yet concluded, Persimmon's application should be rejected as it is circumventing the LDP consultation and decision making procedure.
- \* Loss of natural beauty and enjoyment of the fresh air and wildlife on the doorstep. This will particularly be detrimental to the wellbeing of the elderly and mentally impaired that can only access such space by walking short distances or by using mobility aids.
- \* The building of properties on the surrounding countryside may have an adverse effect to sales of property in Garden Village and cause values to drop leaving many owners with negative equity, and/or having to stay put in an area they no longer enjoy.
- \* The current public transport is also overstretched and quite often buses are too full to stop and I have to wait for the next one.
- \* Swansea's common land is a finite resource and an important wildlife habitat.
- \* Large housing developments that offer no mention of improvements or enhancements to the local community services will have an adverse effect on the existing inhabitants of that local community.
- \* Village life epitomises community spirit and large plantation style development without a proportionate community services uplift must be seen as a commercial venture and not to the benefit of all that live, work and reside in the local area.
- \* I am deeply concerned that Persimmon have complete disregard in their proposal to acquire this common land and destroy ancient woodland that has existed for centuries. It is habitat that is irreplaceable. There are many species of trees, protected and endangered wildlife including Dormice and Bats that live there and many other species of birds and wildlife.
- \* This application is to enable Persimmon to destroy this common land and replace it with a road. How on earth can this be approved? It cannot be allowed to proceed. T
- \* heir offer of a compromise area of scrub land is an insult, this is not acceptable how can this compare with the land they want to acquire and decimate.

### **Bryon Davies – former MP**

I write to object to the above application for the following reasons:

On the 10th November 2016 a report was submitted to the Planning Committee, as the Council were unable to meet its statutory requirement, to maintain a minimum 5 year supply of housing land. Officers sought and got the approval of Elected Members to publish a Guidance Note for Developers, as the emerging Swansea Local Development Plan (LDP) would not be adopted before the latter months of 2017. The site is a 'departure' application.

## Planning Committee – 3<sup>rd</sup> April 2018

**Item 6 (Cont'd)**

**Application Number:**

2016/1478

This report clearly states that “The Planning Authority considers it inappropriate for the Council to determine any planning application for housing developments on a proposed LDP site that represents a departure to the UDP prior to public consultation on the Deposit LDP being concluded.”

This site is a departure from the UDP. The draft LDP has not been concluded.

This report also states that “...where the Planning Authority recommends approval for a significant residential development (defined as 150+ dwellings), prior to formal adoption of the LDP, the application will be referred to the Welsh Government...”

The Guidance states that “Outline applications are not considered acceptable, as without full and detailed information being provided for the initial phase of housing being proposed it will prove difficult for the Council to be satisfied that the proposal represents an appropriate, sustainable, viable and deliverable form of development”.

This site has been submitted as “Outline” only. How can a determination be made as to its appropriateness, sustainability, viability and deliverability without full and detailed information?

This application should be judged against the UDP policies.

The developers reference to traffic congestion is far too simplistic. Throughout the LDP Draft Deposit Plan, Swansea Council states that developers would need to consider any changes to the highway infrastructure that go beyond the Plan site. This application does not address the overall traffic issues beyond its boundary.

In the submission to the LDP consultation, I challenge the soundness of the Arup Associations report on traffic due to out-of-date information. A full Traffic Impact Survey is required.

### **Gorseinon Town Council**

Following discussion, Members objected to the access point for the development off Hospital road, in view of the resulting loss of Common Land and mature woodland. There were alternative access points along hospital road where no woodland would be affected. It was considered that in view of the scale of housing proposed, inadequate highway improvements to the surrounding highway infrastructure had been shown in areas where inevitable congestion would result off site. The development was on green wedge open land not allocated for development in the current UDP and was considered premature, in view of the fact that the emerging LDP had not been formally tested at Inquiry and adopted. It was felt that to consider the whole principle of development by incrementally examining only the access point was inappropriate as community benefit via section 106 agreements were not possible at this stage. Whilst the proposed school was noted, there was concern expressed about the impact upon the overloaded doctors surgeries in the area at present, which a development of this size would worsen.

### **Llwchwr Town Council**

The Council proposes to object to the application.

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The current application constitutes a departure from the existing Unitary Development Plan and as such should be refused. The Council has objected to this proposal under the Deposit Local Development Plan. The basis of the objection is as follow (summarised):

\* Housing is shown as being located on land adjacent to Clos Bryngwyn and area 3 on the plan and not on the land further north (7 on the plan), though it is still stated as being capable of use for low density housing. Most people on first sight would assume it is green space. The original layout should be restored to provide a buffer between the existing development and that proposed by the plan.

\* The Council also raises concern about the inadequate road infrastructure to cope with the additional traffic generated by this and other developments. The proposals do not adequately address this issue it adds or enhances roundabouts which will not cope with existing, let alone additional levels of traffic. The amended proposal does not meet the requirements of Test 2 of the Tests of Soundness and in failing Test 2 it will also fail Test 3.

\* There does not seem to be any thought given to the level of waste which will be generated by the number of houses being proposed on this and the other strategic sites let alone the smaller developments and candidate sites. The nearest disposal works in Gowerton is unlikely to cope with present levels and discharges into the Loughor Estuary.

\* None of the strategic sites have any regard to health service such as doctors, dentists and other health care officials.

\* The site makes provision for primary education but there is no provision for secondary education. There are currently two secondary schools – Penyheol and Gowerton, but their catchment areas will have 1000 houses in Penllergaer, 800 in Garden Village and various other small sites nearby. No provision would seem to have been made to cope with what will be a greater demand for places.

\* There is a mixed development site on Land North of Waunarlwydd / Fforestfach part to which is in the Llŵchwr area. There are approximately 800 houses proposed for this site which is shown on the plan as being built in the vicinity of Llewitha and extending to the Llanelli Link Road to the north. The issues outlined above would also apply to this development. As such the proposal does not meet the Test of Soundness (test 2) and by failing 2 will not successfully make test 3

\* Further to the north again there is a strategic site planned for Penllergaer which would further exacerbate the above issues. Linked to this development is a proposal to build a road which would come down through the Waunarlwydd site, though it is not clear where the traffic is to go at the end of the road. What is clear is that another substantial development is proposed around the site of Cefn Coed Hospital (500 houses) which already has access to Ystrad Road which is where the road from Penllergaer would seem to end.

### **Councillor Will Evans (Ward Councillor – Kingsbridge)**

1. The Site Application is a Departure from the existing Urban Development Plan and breaches numerous Planning Policies e.g.: EV21 and EV23.
2. The site is in the open countryside, on a greenfield site that forms the 'Green Wedge', which maintains the rural environment and protects it from sporadic development and prevents encroachment of the urban area.
3. Lack of capacity at Gowerton Sewerage Treatment works and the likely harmful effects on the environment and the Loughor Estuary.
4. The adverse effects of extra traffic in the Kingsbridge and Gorseinon areas, which will exacerbate existing problems caused by sheer volume traffic.

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Item 6 (Cont'd)

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5. Traffic safety concerns at the new proposed 'Secondary Site Access Road' forming a junction with Swansea Road and the direct impact on traffic flow movements on this busy main road.
6. The lack of provision for necessary health facilities within the plan.

I formally object to the proposed pedestrian access off Ffordd Talfan, Garden Village, which extends into the new housing development. The reason for my objection is due to the perceived large scale traffic issues caused by indiscriminate parking and obstruction of vehicles in and around the Myrtle Road, Ffordd Talfan and Llys Aneirin area, which will lead to regular complaints. This will arise when school children are dropped off or picked up at this location, rather than using the designated 'Drop Off' point at the proposed entrance off Swansea Road or the main access route at Hospital Road.

Local residents at Garden Village would be expected to use the official School access points, as pupils from this area already have to commute to both Pontybrenin Primary Schools situated in Kingsbridge.

The existing and long-standing parking problems around both Pontybrenin Schools are horrendous, and generate regular complaints from local residents to the Police, Local Authority and myself. Traffic Enforcement is totally ineffective and the Police are reluctant to respond to motor vehicles obstructing pavements, driveways and road junctions on a daily basis. I am therefore seeking to avoid a similar situation arising in Garden Village.

### **Ty'r Felin Doctors Surgery**

Please refer to the attached supporting document which constitutes our objection to the Local Development Plan, the content of which remains pertinent to this objection of planning proposal in the Garden Village area.

Presently Ty'r Felin surgery would be the logical choice for provision of Primary Healthcare Services to any new area of housing in the Garden Village area. However, Ty'r Felin is already running at full capacity with a patient population of just under 11,000. Ty'r Felin surgery is running at capacity in all aspects of primary care provision. This includes availability of doctor and nurse appointments, and most significantly physical space in terms of consultation rooms. Over the past 5 years our list size has increased from 9,500 to just under 11,000, and this increase of just 1,500 patients has required a huge effort on our behalf to meet increasing demand.

The planning proposal outlines approximately 750 residential units which we extrapolate has 1800 residents/ potential new patients for this surgery. This figure along with substantial other strategic and non-strategic developments in the locality would place impossible demands on current GP services. The planning proposal for land north of Garden Village does not provide any outline for Primary Health Care facilities. It does not meet the recommendation of Strategic Policy SP9: Providing Homes and Community Facilities, which states "Improved and more accessible community, education and health facilities to meet the needs of new development schemes and to overcome existing deficiencies will be favoured." Ty'r Felin partnership currently leases the premises from a private landlord with 8 years remaining on the current lease agreement. We are fast outgrowing these existing premises and would be open to expand our ability to provide primary care to the local population.

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Ideally, the partnership feels this would be best served by a new fit-for-purpose Primary Health Care Facility in the locality. The partnership is not looking to develop a branch surgery. In summary, the partnership in Ty'r Felin surgery does not object in principle to development of new housing in Garden Village but local GP Services would only survive if there was adequate investment in place. Currently the proposal does not include any mention of expanded health facilities.

### Objection to Local Development Plan

This is a formal objection to the Local Development Plan (LDP) on behalf of the GP Partnership at Ty'r Felin Surgery at Gorseinon, Swansea. Whilst the Partnership does not object in principle to the development of new housing in this area of Swansea, it is very significantly concerned by the absolute lack of consideration towards primary care services in this proposal. General Practice is currently facing unprecedented challenges in workload and patient satisfaction. This is evidenced by recent press briefings by both the British Medical Association (BMA) and the Royal College of General Practitioners (RCGP) which highlight the following stark statistics:

- Significant increases in NHS activity over the past 10 - 20 years
- 90% of all contacts with the NHS occur in General Practice
- 370 million GP consultations are undertaken every year in the NHS (2015)
- The average member of the public sees a GP six times a year – double the number of visits from the previous decade
- GPs are facing rising patient demand, particularly from an ageing population with complex health conditions
- 18 million people in the UK are estimated to suffer from a chronic condition, the majority being managed in the community by GPs
- By 2011 the number of people aged over 65 had reached 10.5 million and is predicted to reach 15.8 million by 2031

Ty'r Felin Surgery is currently running at full capacity with a patient population of just under 11,000. We are running at capacity in all aspects of primary care provision. This includes availability of doctor and nurse appointments, and most significantly physical space in terms of consultation rooms. Over the past 5 years our list size has increased from 9,500 to just under 11,000, and this increase of just 1,500 patients has required a huge effort on our behalf to meet increasing demand. The LDP for North West Swansea is extensive, both in terms of strategic and non-strategic developments, and totals in the order of 4,500 potential new homes in this area in the coming years. Based on an average UK household number of 2.4, one can extrapolate a figure of over 10,000 new residents in this area of Swansea. Our current practice boundaries would encompass the entire Garden Village, Penllergaer and Pontarddulais proposed developments. This new population may well choose Ty'r Felin as their GP surgery owing to geography, the location of other local surgeries, and these other surgeries currently having operational difficulties (namely, recruitment and retention of GP staff). Clearly the numbers do not add up and we would have no capacity whatsoever to deal with this massive increase in the local population. We recently attended one of the Local Development Plan meetings to have a constructive discussion with available parties, and we were able to informally express our concerns. ABMU Health Board have also been made aware of our concerns but we have been instructed, at the present time, that there is absolutely no financial support for the development of primary care services in this area of Swansea.

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We understand that there has been previous discussion with the Health Board and the Planning Department of Swansea City Council without a satisfactory outcome.

In summary, we wish to formally object to these planning proposals on the simple grounds that no consideration has been afforded to primary care services within this area. The impact of this development on existing General Practice services without pre-planned adequate support would be disastrous.

### Second Public Reconsultation

Amended Plans were received which showed changes to the masterplan layout as follows:

- \* The removal of a section of houses to the rear of Clos Bryngwyn,
- \* The retention of more of the existing hedgerows and trees.
- \* The removal of the footpath from the school drop off to Ffordd Talfan

The application was re-advertised by way of 5 site notices.

**TWO FURTHER LETTERS OF OBJECTION** were received. The concerns raised are summarised below:

- \* Having reviewed the revised plans submitted, my objections dated 24 and 25 August 2016 stand. These changes have done nothing to address the concerns of local residents. This development must not proceed.
- \* The damage done to the environment, and social wellbeing and mental health of the existing residents, fall in house process, increased demand on doctor surgery, schools, public services. It is just a way for Swansea Council to raise funds through the community charge. Mad that the planners in the Council have let the application by Persimmon get this far. What about building 750 homes on old Velindre works first.

### Final Public Consultation

All previous residents and all objectors were directly re-consulted in January 2018 following the receipt of an amended Master Plan, amended Parameters Plan and amended DAS. The application was also re-advertised by way of 5 site notices.

The main changes to the application detail are as follows:

- \* Slight alteration of the location of the SUDS ponds (the western one has been moved slightly eastwards to avoid being in the flood Zone and the eastern one is divided into two and the location readjusted to avoid the removal of the retained hedgerow / trees);
- \* More detailed information regarding the layout, the positions of new trees, changes to layout to include more connectivity and legibility, and more detail 'test' layouts to demonstrate that the site can be developed in compliance with the 'placemaking' policies and the residential design guide;
- \* More information in the form of additional parameters plans;
- \* Increase in size of the 'flexible A1-A3 / D1 floorspace' to allow for it to be used for additional medical services if required.

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**ELEVEN FURTHER LETTERS OF OBJECTIONS** were received. The concerns raised are summarised below:

- \* This area is already at a standstill in the rush hour.
- \* Added noise.
- \* More pollution.
- \* Parking problems on a busy route.
- \* This is a natural flood plain.
- \* This land is contaminated land with Japanese Knotweed.
- \* The site is a green open space site and should be left as such. We have already had at least 4 major housing sites built (off Loughor Road) within 1.5 miles of Garden Village on green open space, with planning submitted for additional housing sites. The wildlife and their habitat are being destroyed. With the main access road into this proposed development cutting through ancient woodlands.
- \* Access points off Swansea Road, Ffordd Talfan, Myrtle Road and any other roads within the village into the proposed development will add extra noise and air pollution. Traffic leaving and entering Garden Village has increased significantly since this proposal was first submitted a few years ago. Traffic is queuing to leave the village at 7.30 am every weekday morning. This development will further increase vehicle traffic and additional unwanted congestion, which will impact upon the quality of life for existing Garden Village residents.
- \* The infrastructure of the village and surrounding areas can no longer cope with the current volume of traffic. Traffic at peak times makes it difficult for residents to enter or leave the village. The current proposal of over 750 houses will mean an extra 750 vehicles on the road and probably double that or more as most homes have 2 vehicles per household. Other traffic hotspots out of the Garden Village area such as the Swansea Sound Roundabout, Victoria Road Gowerton, Penllergaer and Ystrad Road will also be hugely affected due to the increase in traffic volume, causing longer delays, more air and noise pollution.
- \* The sewerage treatment works at Gowerton are already under strain. How will these cope? The River Loughor and its feeding rivers will be at risk of overflow and pollution.
- \* The local GP surgeries are already oversubscribed with the amount of patients registered with them. To make an appointment with a surgery to see a doctor has become extremely difficult. This development does not include a new surgery or even dental practice which will again add further pressure to our local GP surgeries and other primary care services.
- \* Surface water caused by heavy rain runs like a river down the hills in Garden Village, in particular Swansea, Road, Ffordd Talfan and St Paul's Terrace. The increase in pavements, tarmac roads and the removal of natural ground will prevent rain/flood water from draining away. The risk of flooding from surface water will be greatly increased.
- \* The Emergency services are already under strain due to financial restraints, cut-backs, an increase in the population and lack of personnel numbers. They are currently struggling to hit "targets" and response times due to these factors. An increase in housing developments means a further increase in people living within their area. This development too will have a knock on affect for these services - their shift numbers will not be increased due to this development should it go ahead.



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\* Schools: All primary schools in the area are now bursting at the seams with the number of pupils in attendance. This in turn has had a knock on effect in years to follow with the Comprehensive schools. Both the schools and teachers are struggling to cope with the amount of children in the school plus the increased class sizes. With this development, extra children will again put further strain on the local schools, despite a new one being built, and will again increase class sizes. In every likelihood should this new school be built, then one of the older local schools will be shut and the pupils transferred to this newer school.

\* Garden Village will lose its identity and status as a "Village," should the development go ahead. 25 years ago we chose to live here because it was a village on the edge of a town, surrounded with green open space. In my younger years we walked on a daily basis through the fields that are earmarked for development unchallenged. 5 years ago barbed wire fencing was erected, preventing access to walk through the fields. This development will change the character and infrastructure of the village, reducing the quality of life for us living in Garden Village.

\* I feel just as strongly as I did before, that these proposals will have a disastrous effect on Garden Village and daily life for its current inhabitants.

\* I have looked carefully at the plans and cannot find any details on the proposed secondary access road between Nos. 10 and 12 Swansea Road. This proposed road will be coming onto a road that is already heavily congested at peak times and now I see that there is a proposed bus link that will be going right through the estate. I have been assured that the proposed access road can only serve 150 houses and that access will be limited to that number of houses but if a bus can have access through the site what will stop any other traffic from travelling through. How will the bus get through the bollards that I was told would be there to restrict traffic? I was originally told at a meeting that the access road on Hospital Road could deal with all the traffic from the proposed site but now a bus route is being suggested despite the fact that we have an excellent bus service already in Garden Village. I would really like to know what is the plan for this proposed access road which if it goes ahead will be coming out on to the brow of a hill.

\* Also it is proposed that it will be the access road for a drop off point for the school, so there will be quite a lot of traffic using it, not just 150 households and a bus route. I am assuming that there will be a variety of pedestrianised paths so that children can walk to school and access the school from a number of directions. Also I can see no evidence of road improvements that I was told will be done to Swansea Road so that the flow of traffic will be eased and allow safe access in and out of the proposed site. Whilst there is a lot of information regarding the Hospital Road access lay-out there is nothing for the proposed access road onto Swansea Road. Where is the information on this? I think traffic pollution and noise is going to be a major issue for residents. It is bad enough now and will only get worse if this goes ahead.

\* The amendments that have been made to the planning application 2016/1478 do not address the objections I made to the initial plan on the 10th of August 2016 and as such, these objections still stand.

\* Furthermore, the plan to build a primary school shows how much the increase in population will impact the area. Using Government projections, one can estimate around 160 primary pupils with a further 75 secondary places needed to be found at local comprehensive schools.

\* Swansea Council must also consider how many extra cars can be expected to come with 750 residential units. Our roads are already congested, with Gorseinon particularly affected during rush-hour and the school-run.

\* As the status of this planning application is listed as awaiting decision, why have the developers already started preparatory work such as site access from Hospital Road?

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- \* Perhaps they know something that we, the local residents, do not. I suspect that permission will be granted, as it always is, and the problems and strain on services will be something to be endured as Councillors kick these issues into the long grass.
- \* The latest masterplan has totally ignored an exclusion area around the Roman remains found on site.
- \* The proposed SUDS are so close to the school drop-off point they could be a health and safety risk – children are always drawn to water.
- \* A drop-off point is fine but how will collection work with many frantic parents blocking the road.
- \* The 3.5 storey flats to be built in site without wheelchair access.
- \* Where are the single or bungalow type properties to cater for disabled residents who may wish to live here.

### Llwchwr Town Council

The Town Council has no objection to make in relation to the amended plans. It would still wish to maintain its objections to the original application.

### RESPONSES TO CONSULTATION EXERCISE

#### Natural Resources Wales (NRW)

##### NRW Initial Comments

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above proposal, which we received on 2 August 2016. We also note the additional information (hydrologic modelling data) provided via email on the 14 August 2016, and the updated Ecological Note, which was provided on 31 August 2016.

We have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on dormice, a European protected species, potential landscape impacts, mitigation measures and further details in relation to the FCA / Hydraulic Modelling. We require this additional information before we can provide your Authority with detailed comments on the application.

##### *Ecology and Protected Species*

NRW welcome the submission of the following documents:

- \* 'Bryngwyn Fields, Kingsbridge. Ecological Appraisal Report', by The Environmental Dimension Partnership Ltd, dated July 2016 Report Reference EDP2688\_05c.
- \* 'Bryngwyn Fields, Kingsbridge. Ecological Update Note August 2016', by The Environmental Dimension Partnership Ltd, dated August 2016 Reference C\_EDP2688\_08.
- \* 'G1331 – Bryngwyn Fields. Stage 4 Masterplan' by CWA, dated May 2016 revision B.
- \* 'Main Access Roundabout and Internal Access Road Design Preliminary Layout' by Corun Associates Ltd, dated June 2016, Drawing No. GA01.
- \* 'Bryngwyn Fields Kingsbridge. Green Infrastructure Strategy' by The Environmental Dimension Partnership Ltd, Report Reference GI\_edp2688\_28c.
- \* 'Design and Access Statement. Bryngwyn Fields, Kingsbridge' by CWArchitects.

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We note from the above ecological appraisal report, and as you are aware, evidence of the presence of dormice was recorded on site. In addition, twelve mature trees have been identified with moderate potential for use by roosting bats.

### *Dormice*

We understand from the dormouse survey report that there will be a loss of existing suitable dormouse habitat on site as a result of the proposals. Although the report outlines principles for mitigating the potential impacts of the scheme on dormice, they are presented with insufficient detail to be able to determine that there will be no detriment to the maintenance of the favourable conservation status of dormice as a result of the proposals.

As no detailed mitigation proposals have been provided which: set out the replacement of, retention of, and long term management of, habitats used by dormice on site we are unable to provide your Authority with further comments at this stage. We advise that your Authority must be in receipt of the following information prior to determination:

- \* A comprehensive mitigation strategy for dormice, setting out the impacts of the scheme and how these will be mitigated or compensated for, including areas to be retained, replaced, enhanced for dormice (as appropriate); measures to minimise the impact of any development on dormice and; proposals to maintain connectivity within and to the wider landscape including the proposed road crossing.

- \* Detailed architectural drawings of the site annotated with the proposed dormouse mitigation.

In developing the mitigation plan/strategy we advise that consideration is given to the impacts of any proposed site access, i.e. what habitat is currently in these locations, how wide any breaches will be, how much habitat (hedge/scrub) will be lost, the impacts as a result of these breaches, and subsequently how this loss/impacts will be mitigated for and how connectivity will be maintained. The planting of semi-mature / mature trees and scrub needs to be considered in order to maintain arboreal connectivity across any breaches.

In addition, the mitigation plan/strategy will also need to demonstrate how connectivity across the site as a whole will be maintained, including from loss of connectivity as a result of the proposed access road; how disturbance from public access will be dealt with and minimised; how the existing and newly created habitat will be safeguarded, managed and maintained in the future, who will maintain responsibility for it and if required, sustained financially.

The masterplan for the site will need to include a key and be annotated to show exactly where any buffer planting areas are proposed; the lengths and widths of these 'buffers'; the proximity of mitigation planting to the development plots; or the length and width of planting within any public open space. We also advise that any mitigation areas remain outside the curtilage of any properties and clearly marked as such.

Finally, we would wish to see the principles of a lighting strategy provided. We seek assurances that site lighting requirements have been considered at the earliest stages to avoid conflict with highway and health and safety requirements.

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### *Bats*

We note from Section 5.48 of the Ecological Appraisal Report that twelve trees were assessed as having moderate potential to support roosting bats, five of which will be impacted upon by the development and proposed access road.

We welcome the recommendations made within the above report in relation to bats and note the five mature trees likely to be impacted by the scheme with medium potential to support bats will be re-surveyed immediately prior to any tree felling works.

Please note, should surveys prior to any tree felling confirm the presence of roosting bats, a derogation licence from NRW would be required. Suitable mitigation measures should be appropriate to the species concerned, proportionate to the impact of the works and in addition to any enhancement measures already agreed by your Authority.

### *Legislation and Policy*

As you are aware dormice and all species of British bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010.

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

These requirements are translated into planning policy through Planning Policy Wales (PPW) January 2016, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. The planning authority should take them into account when considering development proposals where a European protected species is present.

### *Ancient Semi-Natural Woodland*

The proposals in their current form require removal of an area of Ancient Semi-Natural Woodland (ASNW) to facilitate access to the site. The importance of Ancient Woodlands is recognised in Welsh Government policy; Woodlands for Wales (Welsh Government's Strategy for Woodlands and Trees) and Planning Policy Wales (Section 5.2.9) states that: *'Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.'*

We advise that your Authority will need to consider the impacts on Ancient Semi-Natural Woodland (ASNW) as part of the proposals and the justifications provided for any losses.

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### Landscape

We welcome the information provided in the document entitled; *'Bryngwyn Fields, Kingsbridge – Landscape and Visual Impact Assessment (Report Ref: EDP2688\_07b)'*, dated July 2016, by The Environmental Dimension Partnership Ltd. NRW's advice relates to potential impacts on the Gower AONB and landscape and visual impacts.

### Gower AONB

The proposed site lies approximately 5km from the boundary of the Gower AONB at Fairwood Common. Whilst visual impacts are likely to be limited, an area of high ground within the site has potential visibility, if built over. Therefore, we recommend that the LVIA should cover potential impacts on the AONB for completeness.

### Landscape & Visual Impact

Whilst the overall principles of the development as referred to in the LVIA and Masterplan are acceptable, the lack of supporting evidence and detail does not give confidence that the proposal would align with the proposed policies in the Draft LDP with regard to landscape and green infrastructure or that a reserved matters application would deliver the principles set out in the outline application. We recommend that your Authority seeks further information as follows:

\* The ZTV is limited in extent and does not include many views from high ground to the south (i.e. - land to the south of Gowerton at 2.5km - 3km which includes a number of public footpaths). Visual impact from such areas should be considered, as part of the site is elevated and potentially visible. The LVIA considers that building on the high part of the site is not a concern, although less dense development with more trees would be considered. Potential impacts of this area do not appear to have been thoroughly considered or evidence included.

\* The LVIA refers to the retention of the majority of woodland and hedgerows and the creation of buffers to the Ancient and Semi-natural woodland areas. However, the Arboricultural Report (Report Ref: T\_EDP2688\_03c), indicates that there would be considerable tree and hedgerow loss across the site. Although the hedgerows to be removed are described as 'gappy' and in poor condition, we consider that the masterplan does not include sufficient information on the proposed planting to mitigate or compensate for the impacts of the development on trees and hedgerows.

\* The layout of housing fronting onto hedgerows and open space and the creation of a new park are supported and require a mechanism to ensure these principles are carried through to any reserved matters application. The area of housing located on marshy grassland to the north-west appears unrelated to the development as a whole and should perhaps be reconsidered or further justification should be provided.

\* NRW consider that the landscape and visual impacts have been underestimated to an extent and impacts on the site itself are likely to be greater, particularly with regard to the loss of trees, hedgerows and broadleaved woodland, including an area of Ancient woodland to make way for the access road. In addition, the remaining broadleaved woodland would be fragmented by the access road. The proposal is likely to be in conflict with Policy E11 of the LDP.

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Therefore, we consider that detailed and specific information of the new planting and future management needs to be provided in order to inform your Authority's decision.

\* We consider that the Green Infrastructure Strategy provides little detail of how green infrastructure would be conserved and enhanced, as required by policy. Footpaths and small amenity grassland areas are indicated on the masterplan adjacent to the woodland and fields to the north. In addition, informal access to all these areas may be in conflict with ecological aims, though these are not set out. The open spaces through the housing areas do not appear to be particularly well connected by planting or other green infrastructure.

\* The LVIA states there are no cumulative effects, however NRW are aware of a number of other proposed urban extensions, which could have an urbanising effect on this part of the County; including at Penllergaer (SDC), North of Waunarlwydd/Fforest Fach (SDH), which may also be visible from sites like Carn Goch. Therefore, consideration of cumulative effects should be included in the LVIA.

NRW recommends that your Authority requires further information, including a Strategic Landscape Parameters Plan, which includes detailed green infrastructure proposals and detailed section examples (e.g. of buffer areas and 'hop over' to Hospital road access). As previously highlighted in previous sections, a Landscape and Ecological Management Plan for the whole site should also be provided. Both documents should be agreed with NRW and your Authority and should form the basis of conditions on the outline application.

### *Flood Risk*

We note the provision of the document entitled; '*Bryngwyn Fields: Flood Consequences Assessment (V 2.0)*', dated June 2016, by JBA Consulting Ltd.

We consider that the FCA reflects the results from the hydraulic model. The report indicates that the new residential development is outside the flood risk for the 0.1% annual probability of flooding scenario.

However, an embankment between cross sections LLIW01\_1153 and LLIW01\_1046 has not been included within the model. As this is a NRW Flood Alleviation Scheme earth embankment, a breach scenario consideration would be required as part of a TAN15 assessment.

Additionally, we would require blockage scenarios to be undertaken on the A4240 Gorseinon Road Bridge, again in accordance with TAN15 requirements. We would also recommend 25% and 80% blockage scenarios be tested and that the model be run in the latest version of TuFLOW.

Without the breach scenario and blockage assessments, the results of the model cannot fully satisfy the requirements of an FCA in accordance with TAN15. Until these matters are addressed we are unable advise your Authority further.

NRW would be happy to provide more detailed comments to the applicant and their consultant, should this be considered useful.

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### *Hydraulic Modelling*

The 100 year design flood flow, as contained within the FCA (V 2.0), dated June 2016, is considered not suitable for modelling.

An email from JBA Consulting, dated 24th August 2016, stated that 'I have tested the events with a 10% increase in flows to represent the intervening flow area for both the 100CC (100year +climate change) and 1000 year events. Although the flood envelope increases slightly, the impact on the proposed site is negligible due to the large changes in elevation as you move east from the site's boundary.'

Given the concerns our Flood Risk Analysis team have with the modelling, it would be appropriate for any changes to the model to also include the hydrology for the correct location. The growth curve factors, proposed by JBA Consulting would be appropriate to use, which will allow for a quick adjustment to their design flood flows.

### *Foul Water Disposal and Memorandum of Understanding*

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

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

We strongly recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

We also recommend that your Authority's Drainage Engineers are also consulted in relation to the surface water proposals. This is in order to ensure there is no connection of surface water to the main sewerage system.

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### NRW Further Comments

Following the receipt of a revised Masterplan and other associated drawings (referred to below), NRW were re-consulted and offered the following comments.

We have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on dormice, a European protected species, potential landscape impacts, mitigation measures and further details in relation to the FCA / Hydraulic Modelling. We require this additional information before we can provide your Authority with detailed comments on the application.

NRW note the submission of two new documents:

'Garden Village: PH Masterplan (Drawing No. PHMP01),' dated 24 March 2017, by Persimmon Homes.

"Garden Village: Street Hierarchy, Boulevard / Spine Street, Secondary Street, Lanes Private Drives, School Vista, Crescent Vista, Garden Square, Park Area and School Vista – Drawings.

### *Ecology and Protected Species*

Having reviewed the drawings listed above, NRW are unable to offer any further comments in relation to ecology and protected species and would refer you Authority to our previous response of 13th September 2016. We have received no further information with regards to a dormouse mitigation strategy, nor has any clear detail or explanation of any proposed 'buffers zones' been incorporated into the updated masterplan or other drawings.

### *Landscape*

We note that the revised masterplan shows that additional housing now connects the area located on marshy grassland (at the west of the site), with the main part of the housing development, which would overlook the public access route. We also note that larger open space areas are re-located to the east of the scheme.

No explanation has been provided for these changes, and we also query whether the number of units and quantity of open space remains as previously outlined? We refer your Authority to our previous comments in relation to landscape.

In addition, we also refer you to our previous statements in relation to: Flood Risk, Hydraulic Modelling, Foul Water Disposal and Ancient Woodland.

### NRW Additional Further Comments

Following the receipt of an 'Outline Dormouse Mitigation Strategy' and additional hydraulic modelling information, NRW were re-consulted and provided the following comments.

We continue to have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on dormice, a European protected species, potential landscape impacts and proposed mitigation measures.



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We require this additional information before we can provide your Authority with further comments. We would be happy to review our position on receipt of this information / clarification.

We note that this is an outline application and are confident that a number of issues could be resolved via the implementation of appropriate planning conditions. However, we require the following matters in relation to EPS species and landscape to be addressed and resolved, prior to the determination of any planning permission.

### *Ecology and Protected Species*

We note the submission of the document entitled; 'Outline Dormouse Mitigation Strategy (Report Ref: EDP2688\_13)', dated August 2017 and prepared by The Environmental Dimension Partnership Ltd.

We note the total area of suitable dormouse habitat to be lost through the proposed scheme is 21,965 m<sup>2</sup> and new planting will total 32,750 m<sup>2</sup>. However, 'Plan EDP 4: Habitat Calculations' drawing reference EDP2688/49c in the above report outlines the replacement planting, but with some areas isolated inside the proposed areas for development.

We advise that all habitat being provided as mitigation for dormouse, translocated or new planting, is located across the north-west to the north-east of the site to insure strong connectivity for the species across the site, and away from the footprint of the proposed developed areas.

In addition, and as per our previous response dated 2nd May 2017 - no clear details of the proposed 'buffers zones' have been provided, including but not limited to their size and nature, nor have these details been incorporated into the submitted information or onto the master plan.

Any buffer to be created between the retained habitat and the development needs to be in addition to the mitigation for the loss of suitable dormouse habitat on site and be robust enough to protect the retained habitat from the pressures of the proposed development.

### *Landscape*

We note that the revised masterplan shows that additional housing now connects the area located on marshy grassland (at the west of the site), with the main part of the housing development, which would overlook the public access route. We also note that larger open space areas are re-located to the east of the scheme.

No explanation or clarification has been provided for these changes, and we also query whether the number of units and quantity of open space remains as previously outlined? Therefore, we refer your Authority and the applicant to our previous comments in relation to landscape.

### *Flood Risk & Hydraulic Modelling*

We welcome the submission of the document entitled; 'Note to File: Additional modelling and responses to NRW comments (JBA Project Code: 2015s3664 Bryngwyn Fields FCA)', by JBA Consulting, which we received on the 6 September 2017.

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We also welcome the provision of the Hydraulic Modelling files, the complete set of which we received on 22 September 2017.

Having reviewed the modelling data provided, we can confirm that this is now acceptable to support the Flood Consequences Assessment (FCA) and are satisfied with the assumptions made within the FCA.

The FCA states that all new properties are outside the 0.1% Annual probability of flooding (APF) event and that any there is no increased flood risk elsewhere. We agree that the conclusions of the FCA are acceptable. Therefore, we have no adverse comment to make in relation to Flood Risk at the site.

### NRW Final Comments

Following the receipt of a revised 'Outline Dormouse Mitigation Strategy', revised DAS, revised drawings and revised 'Ancient Woodland Mitigation Strategy', NRW were re-consulted and provided the following comments.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach appropriately worded conditions requiring the submission, and implementation, of a revised Dormouse Mitigation Strategy to any planning permission your Authority is minded to grant.

We also advise that conditions requiring implementation in accordance with the: 'Updated Ancient Woodland Mitigation Strategy (including Annex EDP4)', the amended 'Parameters Plans', and other documents, including; the 'Design and Access Statement', 'Parameter Plan: Open Space Treatment', 'Landscape and Ecological Management Plan' should also be added to any permission, your Authority may be minded to grant.

We would object if the consent does not include the conditions listed in this response.

### *Ecology and Protected Species*

We welcome the submission of the document entitled: 'Bryngwyn Fields, Kingsbridge. Outline Dormouse Mitigation Strategy. Report Reference: EDP2688\_13c' dated 22 November 2017, prepared by The Environmental Dimension Partnership, which has been amended following advice from NRW.

Whilst we have no objection to the development in principle, the proposal has the potential to impact on the existing hedgerows and woodland habitats supporting dormice, as well as weakening connectivity to the wider landscape. Therefore, we advise that in order to minimise the impacts of the scheme on existing dormouse habitat and to maintain connectivity to the wider landscape, the following proposed dormouse mitigation measures are secured. We consider that in this instance it should be possible to address them via the application of appropriate conditions and/or planning obligations attached to any permission.

Details of the financial measures to secure ongoing management and monitoring provisions, as detailed below;

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- \* Details of management and monitoring of ecological areas and green corridors;
- \* Details and assurances should be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.
- \* The preparation and submission of a revised dormouse mitigation strategy which builds upon the outline dormouse mitigation strategy referred to above. Scheme to be implemented as agreed. The scheme to include, but not exclusively;
  - i. the timing and phasing of implementation of ecological mitigation
  - ii. Information setting out the extent of and the spatial distribution of habitats to be lost, and those to be enhanced or created in mitigation, including appropriately scaled and annotated drawings. (Currently little information is provided on the areas proposed as new tree and scrub planting shown on EDP 4: Habitat Calculations within the outline dormouse mitigation strategy)
  - iii. The preparation of a method statement to detail how protected species will be conserved during the site clearance works, including details, timing and duration of the works, action to be taken in the event a protected species is found
  - iv. The location, form and extent of 'buffers' to be retained and/or newly planted/translocated material, including measures to safeguard habitats from the proposed development. Whilst we welcome the wider buffers of c30m in width, we note that some of these areas are less than 5m in width. We advise that vegetated buffers are a minimum of 5m wide at any one point and that the width of the buffers for the whole scheme is detailed on appropriate drawings.
- \* The provision of an amended indicative masterplan which includes any revisions to the site layout and is annotated to show; the proximity and extent of existing and retained habitats to the development plots, the inclusion of vegetated buffers to the retained habitats, the inclusion of any areas proposed for new planting and which demonstrates that the mitigation areas fall outside the curtilage of the individual plots.
- \* The preparation and submission of a long-term Habitat Management Plan (HMP), to ensure the favourable management of mitigation habitats on site. The plan should include (but not exclusively) a description of habitats to be managed and their desired condition, the nature of management operations required to deliver and maintain the desired condition; appropriate scheduling and timing of activities; proposals for on-going review of management and remedial action to be undertaken where problems are identified by the protected species monitoring scheme. The scheme to be implemented as agreed.
- \* The preparation and submission of a monitoring scheme for protected species. Monitoring should include the protected species themselves and the establishment of newly planted and managed habitats, and the use of such habitats. Should the monitoring show a decline in population or distribution, remedial measures to be agreed in writing and implemented to the satisfaction of your Authority.

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\* The preparation and submission of a lighting scheme, consistent with the requirements of the protected species on site. This scheme should include details of the siting and type of lighting to be used, drawings setting out light spillage in key areas for wildlife and any operational measures necessary to ensure wildlife corridors/mitigation habitats including the wildlife crossing on the access road are not illuminated. The scheme should address the construction and operational phase; and include remedial action to be undertaken where problems are identified by the monitoring scheme. The scheme to be implemented as agreed.

We also advise that the applicant seeks European Protected Species licences from Natural Resources Wales under Regulation 55(2)e of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon a European protected species. Please note that the granting of planning permission does not negate the need to obtain a licence.

### *Legislation and Policy*

As you are aware, European Protected Species (EPS) are protected by The Conservation of Habitats and Species Regulations 2017. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

Where an EPS such as bats are present, and a development proposal is likely to contravene the protection afforded to it, a development may only proceed under a licence issued by Natural Resources Wales as the appropriate authority responsible for issuing licences under Section 55 of the above Regulations. This licence can only be issued for the purposes of: 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.'

Furthermore, the licence can only be issued by NRW on condition that there is 'no satisfactory alternative', and that; 'the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

These requirements are translated into planning policy through Planning Policy Wales (PPW) January 2016, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, as advised in PPW, your Authority should therefore ensure the three tests for derogation are satisfied when considering development proposals where a European protected species is present.

### *Landscape*

We note the submission of the revised document entitled; 'Design and Access Statement: Bryngwyn Fields, Kingsbridge – Prepared for Persimmon Homes West Wales', by Geraint John Planning Ltd. Along with the numerous amended Parameter Plans and Street Hierarchy Plans.

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Whilst we remain concerned regarding the loss of broadleaved woodland (including Ancient Semi Natural Woodland), trees and hedgerows, we note that compensation is provided for in the updated plans and reports. Buffer habitat areas are provided for and open spaces have the potential for improved linkages with retained woodlands and hedgerows.

Nevertheless, we recommend that approval should only be granted subject to conditions requiring implementation in accordance with the amended Parameters Plans, and other documents, including; the 'Design and Access Statement', 'Parameter Plan: Open Space Treatment', 'Landscape and Ecological Management Plan' and 'Updated Ancient Woodland Strategy, including Annex EDP4.'

Regarding the 'Parameter Plan: Open Space Treatment', we would draw to your attention that the 'Area afforded protection of TPO 642/2017' overlaps with the 'Areas of woodland/hedgerow loss.' We assume that only the TPO elements are to be retained in these areas and recommend that your Authority may wish to ensure that this is clarified on the drawing.

### *Ancient Semi-Natural Woodland*

We also note the submission of the updated document entitled; 'Bryngwyn Fields, Kingsbridge: Ancient Woodland Mitigation Strategy (edp2688\_14a\_080218)', by The Environmental Dimension Partnership Ltd.

In relation to the updated Ancient Woodland Strategy, we would query the use of Sycamore and Sweet Chestnut in the mix along the access road and wildlife link (Tables EDP 6.1 & 6.2). Sycamore (in particular) has the potential to be invasive in the adjacent areas of woodland. Therefore, we advise that the final species mix is discussed and agreed with your Authority's Planning Ecologist, in conjunction with the NRW Species Team.

We also advise your Authority should ensure that the Dormouse Mitigation is reflected in all the appropriate plans and reports, including the Ancient Woodland Mitigation Strategy, Green Infrastructure Strategy and any related plans.

### *Flood Risk & Hydraulic Modelling*

As previously stated we welcome the submission of the document entitled; 'Note to File: Additional modelling and responses to NRW comments (JBA Project Code: 2015s3664 Bryngwyn Fields FCA)', by JBA Consulting and the provision of the associated Hydraulic Modelling files.

Having reviewed the modelling data provided, we can confirm that this is now acceptable to support the Flood Consequences Assessment (FCA) and are satisfied with the assumptions made within the FCA.

The FCA states that all new properties are outside the 0.1% Annual probability of flooding (APF) event and that any there is no increased flood risk elsewhere. We agree that the conclusions of the FCA are acceptable. Therefore, we have no adverse comment to make in relation to Flood Risk at the site.

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### *Pollution Prevention*

The biggest risk in relation to pollution occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses.

As best practice, we would advise the applicant/developer to produce a detailed site-specific Construction Environment Management Plan (CEMP), with particular reference given to the protection of the surrounding land & water environments.

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

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

Reason: Prevention of pollution to controlled waters and the wider environment.

As a minimum we recommend the plan should include:

- \* Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- \* How each of those watercourses and pathways will be protected from site run off.
- \* How the water quality of the watercourses will be monitored and recorded.
- \* What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- \* storage facilities for all fuels, oils and chemicals
- \* Construction compounds, car parks, offices, etc.
- \* measures for dealing with dust
- \* measures for dealing with any contaminated material (demolition waste or excavated waste)
- \* identification of any buried services, such as foul sewers, so that they are protected
- \* Details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

### *Waste Management*

Given the nature and scale of this development, your Authority may also wish to consider that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer / contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

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For further guidance in respect of pollution prevention, we would refer the applicant/developer to our website at: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We refer your Authority to our previous responses for our comments in relation to: Foul Water Disposal, Surface Water Disposal and the Memorandum of Understanding (MoU).

### **Welsh Water / Dwr Cymru**

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### *Sewerage*

We have considered the impact of the foul flows generated by the proposed development upon the local public sewerage system and concluded that it is unlikely that sufficient capacity exists to accommodate the development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment. We have been liaising with the developer of the proposed site and can confirm that we have provided them with a quotation to carry out a Hydraulic Modelling Assessment (HMA) on the public sewerage system. A HMA will establish if a point of adequacy exists within the network to accommodate foul flows from the development and if not what improvements will be required.

We would therefore request that the following conditions are included within the planning consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### *Conditions*

No building shall be occupied until a point of connection on the public sewerage system as has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as may be identified by the hydraulic modelling assessment.

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

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In addition to the above, this proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.

The proposed development site is crossed by a number of public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of each of the public sewers.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

### *Sewage Treatment*

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

### *Water Supply*

In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For you to obtain a quotation for the hydraulic modelling assessment, we will require a deposit of ?250. This fee is non-refundable, however, if the developer wishes to proceed with the Assessment the £250 will be deducted from the final modelling costs.



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

### Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure the details given below.

The Coal Authority Response: Material Consideration

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.

The Coal Authority records indicate that there are four mine entries and their resultant zones of influence on the application site. There are also coal outcrops crossing the site which may have been subject to historic unrecorded workings at shallow depth.

The planning application is supported by a Desk Study Report, dated July 2015 and prepared by Integral Geotechnique. This report has been informed by a range of sources of information including; historic maps, BGS maps and a Coal Mining Report.

Having reviewed the available coal mining and geological information the Desk Study Report concludes that there is a potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site to locate and assess the condition of the mine entries on the site and the risk posed from shallow coal mine workings. The findings of these intrusive site investigations should inform the layout of the development to ensure that adequate separation is provided between the mine entries and any buildings proposed. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

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

The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The Coal Authority notes that the applicant has also submitted a Mineral Safeguarding Assessment and has concluded that prior extraction of coal would be economically unviable in this case.

### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- \* The submission of a scheme of intrusive site investigations for the mine entries for approval;
- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- \* The undertaking of both of those schemes of intrusive site investigations;
- \* As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
- \* As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- \* As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
- \* As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- \* Implementation of those remedial works.

### Wales and West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Wales & West Utilities apparatus may be directly affected by these proposals and the information you have provided has been forwarded to Asset Management for their comments. If Wales & West are affected an Engineer will then contact you direct.

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Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

### **Glamorgan Gwent Archaeological Trust (GGAT)**

#### GGAT Initial Comments

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

An Archaeology and Heritage Assessment undertaken by EDP (Report no. EDP2688\_06b) has been submitted in support of the application. This has collated and assessed the known archaeological resource in the area, which includes the remains of Penyfode Fach Farm. Whilst no designated sites are within the proposed development, several structures dating to the Roman period (including two Scheduled sites, Mynydd Carn Goch Roman earthworks (GM269) and the Roman Practice Camp on Stafford Common (GM502)) are located in the vicinity and, as the report indicates, there is the potential for Roman material to be located in the application area. Furthermore, Penyfode Fach Farm is depicted on the Loughor Tithe map of 1839 and it is possible it has earlier origins. As such the Farm will require suitable mitigation measures.

We note that in section 5.4 the report indicates that due to the lack of previous investigation of the site, it is possible that currently unknown sites of archaeological interest may be located within the application area. It recommends that further investigation would be required, via a geophysical survey in the first instance. However, it should be noted that, dependent on the results of the survey, additional archaeological work, such as evaluation trenching, may be required. Such an approach is entirely appropriate and we concur with the recommended mitigation measures. Indeed, archaeological evaluation of the site was recommended in our response to the LDP consultation (KB0007) for Land North of Garden Village (SD B).

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission suitable archaeological evaluation work, specifically a geophysical survey in the first instance, potentially followed by an archaeological field evaluation.

Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the evaluation has been submitted to your Members.

All archaeological work must meet the Standard and follow the Guidance of the Chartered Institute for Archaeologists (CIfA) and it is our policy to recommend that it is undertaken by a Registered Organisation or a MCIfA level Member within CIfA ([www.archaeologists.net/ro](http://www.archaeologists.net/ro) and [www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)).

#### GGAT Final Comments

A Mitigation Strategy for Archaeological Investigation was submitted and GGAT were re-consulted.

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The final response from GGAT is: Many thanks for the attached strategy, which is appropriate, should you be minded to grant consent at this stage. If so, we would recommend a condition citing the specific strategy document, something similar to the model condition 24 given in Welsh Government Circular 016/2014:

No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that outlined in “Land North of Garden Village Swansea (Bryngwyn Fields, Kingsbridge): Mitigation Strategy for Archaeological Investigation” (Rubicon Heritage Report no. GVSE16, dated November 2017).

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

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

### CADW

The proposed development is located within the vicinity of the scheduled monuments known as Garn Goch Round Barrow (GM199) and Mynydd Carn-Goch Roman Earthworks (GM269). The application area is located some 260m west of scheduled monument Garn Goch Round Barrow (GM199), however due to intervening buildings the nearest point of the proposed development, which may be visible from the monument, is some 360m to the southwest. The monument comprises the remains of an earthen built round barrow, which probably date to the Bronze Age (c. 2300 - 800 BC).

Prehistoric funerary monuments were often sited in locations that allowed intervisibility with other funerary monument, natural features, such as springs and settlement sites. In this case, the visual focus may have been eastward towards 2 springs and also the north west where the resulting stream flowed. Longer views to unidentified sites could be possible to the north, east and south, but views to the west are blocked by higher ground. As such the proposed development is located to the west which is not thought to be a significant view and intervening vegetation is likely to heavily screen or block views for the proposed development.

As such there will be no impact on the setting of scheduled monument Garn Goch Round Barrow (GM199). Scheduled monument Mynydd Carn-Goch (GM269) Roman Earthworks are located some 400m southeast of the application area. The monument comprises the remains of two Roman practice camps, dating to the Roman period (AD 74-410). The camps were probably not located in a particularly defensive position or to control a specific route but were sited on unproductive land to allow training to take place. Even if the view towards the proposed development was a significant one, the position of Pen-y-Waun Farm and the extant vegetation will block or heavily screen it. Consequently the proposed development will not have an impact on the setting of scheduled monument Mynydd Carn-Goch Roman Earthworks (GM269).

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### Council's Head of Engineering and Transportation

#### Initial Highway Officer Comments

Before coming to any conclusions on the above proposal, it is necessary to seek clarification on actual extents of mitigation at key junctions. Clearly some junctions identified will need to be wholly funded by the developer with other junctions gaining a contribution towards improvement.

The applicant will need to be aware that the following is expected;

\* Specific details are required of Public Transport, Pedestrian and Cycle improvements referred to in Section 9 of the TA. Additionally, the level of contribution towards improvement for:

J47 (M4)  
J2 A484/A483

\* It is expected that the development will need to fund improvements to:

J4a/4b – Hospital Rd/Gorseinon Rd  
J15 – Hospital Rd/Swansea Rd  
J1 A484/Swansea Rd

\* Specific mitigation details will need to include the extent of works, level of funding and time scales for delivery with trigger points as proposed by the developer.

\* I would wish to point out that the signal timings for Junction 5 (Dillwyn Road/Phoenix Way/Gorseinon Rd) are incorrect and need to be reviewed and amended.

\* Whilst junctions such as Junction 7 (Penllergaer roundabout) are shown to be over capacity currently and it is expected that a possible LDP site nearby may be the more appropriate means of securing improvements, the applicant needs to consider a mechanism should that development not go ahead and the need for additional works to be funded by this development become necessary.

I trust the applicant can be advised of the foregoing requirements in order that appropriate amendments can be made to the Transport Assessment and submitted for further consideration.

#### Final Highway Officer Comments

##### *Traffic Impact Assessment Report*

Corun Consulting have carried out a traffic impact assessment on the effect of building a new 750 unit strategic housing site located immediately to the North of Garden Village. The scope of the document was agreed with Swansea Council and involved the testing of 15 junctions.

The site is to be accessed via a new access from Hospital Road and also a limited part of the development from Swansea Road.

The Traffic Assessment compiled in August 2016 has examined the highway effects of the proposed development, and how this would impact on junctions in the area. A mitigation statement was submitted in November 2016 and this was followed by a Transport Note in May 2017 following concerns that the trips generated had been overestimated at certain junctions.

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To accurately assess the impact of the proposed development on the existing junction analysis was carried out using the computer modelling programs:

- \* Picady for priority junctions
- \* Arcady for roundabouts.
- \* Linsig for signalised junctions.

Modelled are scenarios for 2014, 2025 and 2025 + development traffic

#### Base Flows

The base flows are taken from classified turning counts which were undertaken between 2009 and 2014. These have been factored to provide a common base year of 2014.

#### Trip Generation

The development site consists of 2 main traffic generators, the residential development and a new primary school.

Estimated flows for the proposed residential development have been forecast using the TRICS database. This is a nationally accepted database providing information relating to the total number of multi-modal trips generated by development.

Sites in Greater London, and those in town centres and edge of town have been excluded, this is seen to be representative and correct.

This shows a total of 786 and 746 person trips in the AM and PM peak hours respectively with a modal split of 56% using private cars.

A significant proportion of trips, particularly in the AM peak are connected with education, the provision of a new primary school within the site should mean the TRICS database has overestimated the trip rate. The analysis provided should therefore be considered to be worst case.

Both base flows, and generated trips have been checked against the CCS strategic transport model, and are thought to be over that which we predict.

#### Junctions Tested

1. A484/B4620 Swansea Rd RAB
2. A483/A484 Cadle RAB
3. Hospital Rd / Phoenix Way
4. Hospital Rd / Gorseinon Rd / Pleasant Rd
5. Phoenix Way / Gorseinon Rd
6. Llewellyn Rd / Gorseinon Rd
7. A48 / A4240 Gorseinon Rd RAB
8. M4 junction 47
9. A484/A4240 Victoria Rd RAB
10. B4620 Swansea Rd RAB
11. A483 / Parc Penllergaer

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12. Gorseinon Rd / Heol Y Mynydd
13. Swansea Rd / Bryngwyn Rd
14. Swansea Rd / Myrtle Rd
15. Swansea Rd / Hospital Rd

### 1. A484 / B4620 Swansea Rd Roundabout

Input data - The junction has been modelled using the Arcady computer programme; the geometric input data has been verified and is correct.

Existing Situation - Analysis shows the roundabout currently operates above capacity in the AM and PM peaks: AM peak maximum RFC (ratio of flow to capacity) of 1.08 on Swansea Rd West. This results in a maximum queue of 63 vehicles. PM peak maximum RFC (ratio of flow to capacity) of 1.24 on Swansea Rd East. This results in a maximum queue of 162 vehicles. This corresponds to on-site observations.

2025 base - The roundabout is significantly over capacity in the 2025 base scenario, with significant queues on at least 2 legs in both the AM and PM peak hours.

2025 Base flows including development.

Mitigation - The consultant has submitted proposed mitigation at the roundabout, which will widen the inscribed circle diameter (ICD) from 46 to 52 metres, widen each entry to provide an additional entry lane. The mitigation when modelled provides significant improvement over the 2025 with development scenario. It must be noted that a queue of 332 vehicles is still predicted on Swansea Rd West in the AM peak, this approach remains over capacity; however this is an improvement over the 2025 base scenario.

### 2. A484 / A483 Cadle Roundabout

Input data - The junction has been modelled using the Arcady computer programme; the geometric input data has been verified and is correct.

Existing Situation - Analysis shows the roundabout currently operates within capacity during both AM and PM peaks although approaching capacity during the PM: This corresponds to on-site observations.

2025 base - The roundabout is significantly over capacity in the 2025 base scenario on the A483 North leg, an RFC of 1.1 with resulting queues of 400 vehicles.

2025 Base flows including development - The overcapacity on the A483 North is slightly worsened; the RFC is 1% worse at 1.11, with predicted queues of 450. The A483 inbound will be over capacity by 2025, this due to background traffic growth. The effect of the proposed development is extremely minor. It should be noted that once RFC exceeds 1 modelled queues will increase exponentially, and modelled output does become unreliable. The proposed link roads to the A484 from Gorseinon Rd and the Alcoa Strategic site will also have a positive effect on trip distribution.

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### 3. Hospital Rd / Phoenix Way

Analysis shows this junction is currently and will remain well within capacity during all modelled scenarios.

### 4. Hospital Rd / Gorseinon Rd / Pleasant St

Input data - The junctions have been modelled using the Arcady computer programme; the geometric input data has been verified and is correct.

Existing Situation - Analysis shows the junctions exceed capacity during the AM and PM peaks with slight queuing on Gorseinon Rd in both directions. This corresponds to on-site observations.

2025 base - The roundabout is significantly over capacity in the 2025 base scenario on the Gorseinon Rd West leg with a predicted queue of 254 vehicles in the AM and over capacity during the PM peak with a queue of 385 vehicles in the PM peak on Gorseinon Road East.

2025 Base flows including development

Mitigation - It has been proposed to widen the existing roundabout at the Hospital Road junction and increase the length of the 2 lane approaches on Gorseinon Road.

The mini roundabout at the junction of Pleasant Road will be removed and replaced with a priority junction incorporating a ghost island and right turn lane. Analysis of the proposed mitigation shows the new arrangement operates well within capacity during both peak hours.

### 5. Gorseinon Road / Phoenix Way Traffic Signal Junction

Input Data - The input data is broadly correct; however there is some concern over the signal timings used. The junction has been modelled with a 210 second cycle time resulting in main road green of 120 seconds and a pedestrian stage running every cycle. This is unrepresentative of on-site conditions. This should be modelled with a more realistic cycle time and main road green time, and possibly restrict the peds to every other or even every 3rd cycle.

### 6. Gorseinon Rd / Llewellyn Rd

Input data - 3 arm mini roundabout, the input geometry has been verified and is correct.

Existing Situation - The roundabout is at capacity during both peak hours with Gorseinon Road West having an RFC of 0.9 with some queuing evident.

2025 base - The roundabout is predicted to be significantly over capacity during 2025 with RFCs on Gorseinon Road of 1.12 and 1.15 in the AM and PM respectively, resulting in significant queuing on Gorseinon Road.

2025 Base plus development - Queue lengths are predicted to be worse in the with development scenario, up to 2x. No mitigation has been offered, only a statement that queues with result in modal shift or change in route choice.



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The analysis does not take into account the potential relief road through the Parc Mawr strategic site or the potential for onward connections through the Alcoa site. Interrogation of the strategic model shows that trip diversion will take place through the proposed Parc Mawr site providing relief at this junction.

### 7. Gorseinon Rd / A48 / Swansea Rd

Input data - 4 arm roundabout, the input geometry has been verified and is correct.

Existing Situation - The existing roundabout is over capacity on the Pontarddulais Road arm during the AM peak, with an RFC of 0.95 and a max Q of 13.2 vehicles. The TA suggests that on-site observations indicate this is an overestimation of the existing queue. CCS monitoring and local knowledge would suggest the contrary to be the case.

2025 base - The roundabout is predicted to be significantly over capacity on the Pontarddulais Road arm and approaching capacity on the Gorseinon Road arm during the AM peak. The PM peak shows a significant over capacity on the A48 (from junction 47).

2025 Base plus development - Over capacity and queue lengths predicted in the 2025 base are predicted to worsen in the with development scenario.

Again no mitigation has been offered, only a statement that queues will result in modal shift or change in route choice. The analysis does not take into account the potential relief road through the Parc Mawr strategic site or the potential for onward connections through the Alcoa site.

### 8. M4 Junction 47

Input data - The gyratory has been modelled using Linsig. The base model for analysis was provided by CCS and is correct.

Existing Situation - Analysis shows the gyratory operating at capacity during the AM peak, and slightly over capacity during the PM peak, with the A483 from Cadle being 106% saturated with a queue of 91 vehicles

2025 base - The gyratory is forecast to be 20% over capacity in 2025 in both peak hours. The M4 off slips and A483 showing the greatest level of vehicle saturation and consequent queues.

2025 Base plus development - An additional 15% over capacity is predicted due to development flows, this should be treated with some caution, as once a junction is modelled at saturations over 100% results will generally be predicted to be worse than in reality.

Mitigation - The developer has proposed to fund a MOVA upgrade of the 3 signal junctions around the gyratory. This would provide a typical improvement of 20-25% over non-adaptive forms of control. Although adaptive control cannot in itself be explicitly modelled the level of potential improvement, would mitigate against the addition of development traffic, and provide betterment over the steady state.

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### 9. A484 / B4296 Victoria Road Roundabout

Input data - The gyratory has been modelled using Arcady, junction geometry has been verified.

Existing Situation - The A484 West Arm is over capacity during both peak hours, and shows a queue of 27 vehicles, this is consistent with observations.

2025 base - The gyratory is forecast to be significantly over capacity during both AM and PM peak hours, max RFC of 1.36 on A484 W in the AM resulting in a queue of 596 vehicles. Spread over 2 lanes this equates to a max queue length of around 1000m. The PM peak shows an RFC of 1.14 on Victoria Rd South with a max queue of 347 vehicles

2025 Base plus development - The over capacity is marginally worse by 7% in the AM and 5% in the PM on the worst affected arm.

The junction is shown to be over capacity for the future years both with and without development, the effect of the development traffic is minor in comparison to potential background growth. The traffic that is directly attributable to this development is within the normal daily fluctuations of +/- 5%.

### 10. Victoria Rd / Swansea Rd mini Roundabout

Input data - 3 arm mini roundabout, the input data has been verified and is seen to be correct.

Existing Situation - Analysis shows the roundabout operates within capacity during the AM peak and over capacity during the PM with an RFC of 1.29 and a queue of 241 on the Swansea Road East arm. The developer's observations are that the model is over estimating queues on this leg, CCS observations are consistent with this.

2025 base - Analysis shows the roundabout operates at capacity during the AM peak with a maximum queue of 13 vehicles on Swansea Rd West. In the PM peak the junction will experience significant capacity issues, on the Swansea Road East Arm, with a maximum RFC of 1.69 and a max queue of 543 vehicles.

2025 Base plus development - The PM situation is marginally worse than the without development scenarios. The effect of development traffic is extremely marginal compared to the effect of background traffic growth, nevertheless the area will be susceptible to increased queues in the future.

### 11. A483 / Home Farm Way

Input data - Isolated 3 arm junction modelled using Linsig; the input data has been verified and is correct.

Existing Situation - The junction operates within capacity during both peak hours. On-site observations would verify the modelled output.

2025 base - The analysis predicts the junction will remain within capacity during both peak hours.

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2025 Base plus development - Adding development traffic does cause a slight worsening of performance, however the junction remains within theoretical capacity.

#### 12. Gorseinon Rd / Heol Y Mynydd

Input data - The gyratory has been modelled using Linsig. The data has been verified and is correct.

Existing Situation - The junction operates within capacity during the AM peak and at capacity during the PM with some queuing on all approaches. This has been validated by on street observations.

2025 base - The junction will operate at capacity during the AM peak, and will experience a severe over capacity during the PM peak, with additional queues evident on Gorseinon Rd.

2025 Base plus development - There is little difference between the with and without development scenarios indicating the over capacity is due to growth rather than a direct effect of this development.

#### 13. Swansea Rd / Bryngwyn

The roundabout has been accurately modelled and is shown to be within capacity during all modelled scenarios.

#### 14. Swansea Rd / Myrtle Rd mini Roundabout

Input data - The gyratory has been modelled using Arcady. The base model for analysis has been verified and is correct.

Existing Situation - Analysis shows the roundabout approaching capacity during the PM peak with Swansea Road East showing an RFC of 0.97 and a queue of 21 vehicles.

2025 base - The roundabout will experience capacity problems during the 2025 base scenario with severe queuing on the Swansea Road East arm of 239 vehicles and an RFC of 1.2.

2025 Base plus development - The RFC is 8% worse once the development traffic is added, and the queue increases to 328 vehicles.

#### 15. Hospital Rd / Swansea Rd

Input data - The existing priority junction has been modelled using Picady, the input data is correct

Existing Situation - The existing junction operates well within capacity; this is confirmed by on site observations.

2025 base - The junction will operate slightly above capacity, AM maximum RFC of 1.1 on Hospital Rd with a maximum queue of 36 veh. Similar RFCs and queues are predicted in the PM peak hour.

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2025 Base plus development - Adding development traffic results in a significant over capacity on the Hospital Road arm RFC of 1.67 in the AM and 1.86 in the PM with maximum queues on 236 and 330 respectively.

Mitigation - The developer has proposed to convert this junction to signalised operation. This has been retested using Linsig, and has been shown to operate within capacity in all modelled scenarios.

### Highway Officer's TIA Conclusions and Recommendations

The developer has proposed mitigation at either end of Hospital Road; both these options mitigate the effect of development traffic, and provide betterment over the existing situation.

Swansea Road will continue to experience significant peak hour flows, these are largely as a result of increased base traffic, and the proposed improvements to the Swansea Road / A484 roundabout would provide enough betterment to result in diversion of trips from Swansea Road to the A484.

The diversion of trips would only be able to be accommodated with some improvement at Swansea Rd / Victoria Rd and Victoria Rd /A484 roundabouts, to further discourage the use of Swansea Road to through traffic.

Gorseinon Road, Penllergaer is also predicted to be above capacity, again predominantly as a result of background traffic, however the introduction of the Parc Mawr link and the outline proposals to signalise the Gorseinon Rd / A48 (Old Inn) roundabout will have a positive effect on this route.

Junction 47 of the M4 is predicted to exceed its capacity in future years, the developer has offered to implement MOVA control at the roundabout. This will offer a significant benefit to all routes from Gorseinon Road which experience peak hour queuing at present.

NOTE: The 2025 flows include traffic from other strategic sites, the potential highway improvement associated with these sites have not been considered.

### Connections to the Strategic Highway Network

The junctions tested above include the new vehicular access points into the site which are:

1. Primary site access (off Hospital Road) is 32m ICD 3-arm roundabout - The roundabout was tested for full build out (2025) and also tested assuming all the traffic generated by the site exits using that roundabout. The worst case ratio of flow to capacity (RFC) occurs in the p.m. peak and is 0.41 (maximum desirable is 0.85) so it has been demonstrated that in principle the approved design is capable of accommodating all the traffic without detriment to the free flow of existing traffic, nor resulting in any queuing. As the roundabout will be affecting the existing Strategic Highway then the detailed design will need to be carried out as part of a Section 278 Agreement with the Highway Authority. Conditions referencing this are contained under the suggested conditions at the end of this report.

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2. The secondary access located adjacent 10 and 12 Swansea Road is to be widened to provide a 6.5m carriageway, 2 number 2m footways and a 1m service strip behind the footways. The layout is such that buses can be accommodated within the infrastructure. It has been modelled for the 2025 full build out assuming that 20% of the site will be accessing/egressing using this junction. The Worst case RFC was 0.5 in the p.m. peak with resulting queues of two vehicles. It has been demonstrated that in principle the approved priority junction design is capable of accommodating 20% of all the traffic without detriment to the free flow of existing traffic, nor resulting in any significant queuing. As the priority junction will be affecting the existing Strategic Highway then the detailed design will need to be carried out as part of a Section 278 Agreement with the Highway Authority. Conditions referencing this are contained under the suggested conditions at the end of this report.

In order to restrict the vehicular movements then there will not be a through route for general traffic to the rest of the site, only for public transport which will be controlled by a bus-gate or similar. With regard to concerns at school drop off time then as the application is outline only we are not in a position to comment further. The school will be required to provide adequate facilities in and around its curtilage to cater for the pupils/staff. This will be looked at in detail under the subsequent reserved matters application.

### Summary of mitigation measures/contributions agreed

1. £100,000 for works to the junction 47 to upgrade the signal control to MOVA. Suggested time line - prior to occupation of 1st dwelling.
2. Days roundabout enlarged (inscribed diameter from 46-52m), wider flare lanes and the two western approaches increased from two lanes to three lanes each. The access from days is increasing from one to two lanes. Also increase to three circulatory lanes from the current 2. Suggested time line - prior to occupation of 100th dwelling. (Junction 1).
3. Hospital Road/Gorseinon Road arrangement - the existing 2 mini roundabouts will become one small roundabout with access to 3m's becoming a priority junction. Suggested time line prior to occupation of 50th dwelling. (Junctions 4a and 4b)
4. The existing priority junction at Hospital Road/Swansea Road will be signalised. The plans show a pedestrian phase across Hospital Road but for completeness a pedestrian phase will also be required across Swansea Road. This is simply to accommodate with minor improvements being provide. Suggested time line prior to occupation of 300th dwelling. (Junction 15)

### Suggested Highway conditions

1. Highways Works carried out in accordance with mitigation measures/contributions as detailed above in phasing as suggested in the previous section. The applicant entering into a Section 106 Agreement to deliver these improvements.
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:

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- 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.

3. Parking for all uses to be provided in accordance with the CCS Parking Standards.

4. All off site works to be carried out under a Section 278 Agreement with the Highway Authority.

5. In terms of street hierarchy the main through route should be capable of accommodating a service bus (minimum carriageway width of 6.5m). Without access to public transport then the site is not located in a sustainable location and as such would be contrary to the Active Travel Act and Planning Policy Wales which seeks to reduce reliance on motor vehicles by providing appropriate alternatives.

6. There should also be a shared use link through the site to encourage pedestrians/cycle usage in accordance with the Active Travel Act. The minimum width should be 3m.

7. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.

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

9. All front boundaries to be kept below 1m in the interests of visibility.

10. The method of restricting the movement of cars through the site from the Hospital Road roundabout to the Swansea Road priority junction shall be submitted for approval to the LPA. The agreed scheme shall be implemented prior to the 150 house threshold utilizing the Swansea Road point of access being met. The links shall allow for pedestrian, cycle and bus accessibility only.

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### Council's Drainage Officer

#### Initial Drainage Officer Comments

Concerns are raised with regard to the following: discharge rates within the Drainage Strategy; the need to undertake an assessment of the route of the offsite water course; more details regarding the SUDS ponds and their relationship to Zone 2 flood zone; urban creep (e.g. extensions and conservatories); adoption issues; and impacts upon the Burry Inlet with regard to details to removed surface water to the combined sewer to free up capacity for the proposed foul flows.

#### Final Drainage Officer Comments

An updated Drainage Strategy was submitted which addressed the concerns raised above. The Drainage Officer was re-consulted and offered the revised comments.

We have reviewed the revised Drainage Strategy dated 09/09/2016, Revision E and based on that document, no objections are raised and we recommend the following conditions are attached to any permission given.

#### Suggested drainage Conditions:

1 Prior to the commencement of any development, a strategic site wide surface water drainage strategy for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon a SUDS hierarchy, as espoused by the CIRIA publication 'The SuDS Manual, C697'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any runoff before it leaves the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SUDS features and shall include ownership, long-term adoption, management, and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included. The approved drainage works shall be carried out in their entirety, fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding and ensure future maintenance of these.

2. Any reserved matters application shall include a detailed surface water strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body.

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The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

Reason: To ensure that a satisfactory and sustainable means of surface water drainage is available 'upfront' to serve development individual phases, and to prevent the increased risk of flooding to third parties.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

Informative - Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.

### Council's Tree Officer

#### Initial Tree Officer Comments

The report provided indicates the amount of trees affected by the indicative layout.

A small area of ancient woodland will be lost (118m<sup>2</sup>) which is contrary to Policy EV30 and PPW. However the area equates to approximately 1.7% of the ancient woodland on site and is required for access from Swansea Road, it appears that this route is one of the least damaging.

The indicative layout internal to the site requires the removal of trees which conflict with it. Several of these trees are category B trees (BS5837) some of which could be accommodated with slight modifications to the design. Retaining more mature trees within the layout would improve the overall landscape and the sense of place.

The trees that potentially could be incorporated that have been identified for removal include: T2, T4, T104 and T119.

Tree T98 is shown for removal although the layout does not appear to conflict with its retention.

The final layout should look to retain more of the better quality trees and this will be considered when the reserved matters application is received.

#### Condition 1

No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority.



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No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:

- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
- (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
- (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) Details of any levels changes within or adjacent to protection zones;
- (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
- (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
- (i) Provision for the prevention of soil compaction within planting areas;
- (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
- (k) Provision for briefing construction personnel on compliance with the plan;
- (l) Provision for signage of protection zones and precautionary areas;
- (m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity

### Further Tree Officer Comments

Following the receipt of amended drawings, the Tree Officer was re-consulted and made the following comments.

There are no trees protected by TPO on the site at present, however under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

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The indicative plan shows that the development is concentrated in fields currently used for agriculture. This will require the removal of current field boundary trees within the site. The entrance will require tree removals some of which are in an area thought to be ancient woodland. This area is small and can be mitigated to some extent by new planting; however the loss of ancient woodland soil cannot be mitigated. Mitigation planting for the loss of the ancient woodland must be attached to the remaining woodland to provide any meaningful mitigation. Advice should be sought from the Authority's Planning Ecologist as to the importance of this area in terms of biodiversity. Whilst good quality category A and B trees (BS5837) will be removed to facilitate the development there appears to be ample space for mitigation of tree removals in the areas of public open space and wildlife areas. These areas provide suitable space for large parkland trees to be planted rather than small street tree varieties.

In addition to the POS planting, the main roads appear to be planted with trees. There appears to be generally good separation between the proposed residential units and the retained trees, although this will need to be confirmed in the detailed layout. Ideally the removal of trees for the school drop off area should be avoided with this facility moved to preserve them. Services also have the potential to impact on trees especially as they enter the site. The retained trees will be a material consideration when deciding the routing of services. An arboricultural impact assessment indicating what impacts the final design has on the trees, which will in turn inform a tree protection plan and arboricultural method statement should be submitted with any subsequent application. This will also need to include the impacts of services. A detailed landscape plan will also be required to show the mitigation planting for the removed trees. In the event of approval please could you include the above as reserved matters.

### Final Tree Officer Comments

Following the receipt of revised drawings and a revised Ancient Woodland Mitigation Strategy, the Tree Officer was re-consulted and made the following comments.

The Council has served and confirmed a tree preservation order on trees present on the site. The new Masterplan appears to have been modified to accommodate more of the protected trees. It is accepted that some of the trees covered by the order will be removed; the order was considered necessary to prevent pre-emptive felling and provide strong protection during both the construction phase and after occupation.

With regard to the Ancient Woodland Mitigation Strategy, the final version has been suitably amended

### **Council's Ecology Officer**

#### Initial Ecology Officer Comments.

##### *Ancient Woodland*

The area around the proposed access to Hospital Road cuts through an area of ancient woodland; this is an irreplaceable woodland type. PPW section 5.2.9 states that "Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage".

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If the route for the access road cannot avoid the ancient woodland we will need to reconcile this with a significant planting tree planting scheme.

### *Dormice*

The access road also passes through an area that has had dormice found in it. Dormice are European protected species and are afforded a very high degree of protection; the proposal cannot get planning permission until a suitable mitigation scheme has been agreed with ourselves and NRW. The dormouse site is particularly important as this is only the second site for the county.

### *Habitat*

There is also an issue with the isolated block of houses to the west of the site. This is in an area which ecologically is indistinguishable from the adjacent SINC. Development of this field will result in significant habitat loss, we will need to resolve this. We will also need to agree a management plan and the resources to manage the open space elements of the development

### Further Ecology Officer Comments

#### *Ancient Woodland*

Due to the constraints on the positioning of the access road and the relatively small area of ancient woodland that would be destroyed I think the loss could be acceptable providing there is adequate compensation. The compensation should be an area of new native woodland of a composition similar to that on the site already. It should be an area significantly greater than that which would go (including the other woodland lost to the access road). The new woodland should be planted in an area of low ecological value and should be continuous with the existing wood. This is a separate issue from the one with the dormice, this will require separate mitigation.

#### *Habitat*

I have had a look through the ecological survey of the North of Garden Village site. It looks as if all of the fields marked as marshy grassland (field numbers 1, 2, 3 and 4) are habitat wise very similar and although fields 1, 3 and 4 aren't in the SINC probably would qualify. I think it would be better if the island of development to the north-west of the site was relocated closer to the main areas of development. This would give a tighter boundary and would reduce the threat of infill. It would also mean that the green space round the western end of the site was wider which would make it easier to manage and ecologically less fragmented. I have attached a plan showing a possible area within which the houses could go (the green line). Would it also be possible to also relocate the line of houses that are at present to the east of Garden Village here too?

This will result in a significant loss of ecology including hedgerows and marshy grassland and connectivity. These will need to be compensated for. The hedges could be compensated for by planting some new ones on the borders of the new settlement boundary. Making up for the loss of marsh grassland is more difficult as it cannot simply be replanted.

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As our aim is to maintain the overall ecological value of the area it would be possible to enhance the fields that are to be retained as open space to the east of Garden Village by for instance tree planting and sensitive management of the grassland. At present these three fields are improved grassland and are of low ecological value. We could add a condition to any permission we give requiring the submission of an ecological improvement plan for our approval, this will need to include these fields plus any other areas we require.

### Final Ecology Officer Comments

#### *Protected species*

##### Bats and trees

No roosts were identified during the surveys but there are roosting opportunities identified within trees scheduled for works. A Method Statement will be required for bats in respect of tree works and should build upon the principals of section 5.52 and 5.53 in the Ecological Appraisal Report, (EDP2688\_05c). This information should be incorporated into the Wildlife Protection Plan (WPP) or equivalent document as outlined below.

Foraging and commuting habitats have been identified in the submitted reports. The Lighting Strategy and Landscape and Ecological Management Plan (LEMP) must both support the retention of useful foraging and commuting lines through the development area. The LEMP must also detail required actions and management to safeguard existing value and detail mitigation, compensation and enhancement measures to ameliorate identified impacts.

##### Dormouse

Dormice have been identified on the site. Therefore, a European Protected Species Licence will be required to undertake the proposal and the application must therefore meet the “three tests” under the provisions of the Habs Regs (2010). These tests are:

- \* the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- \* there must be no satisfactory alternative; and
- \* favourable conservation status (FCS) of the species must be maintained.

A condition must be attached to any consent that the LPA may be minded to grant to secure the mitigation scheme submitted to meet the FCS test. NRW may suggest a condition once they are satisfied with the submitted information. I would point out that the current Mitigation Statement submission uses largely unenforceable language such as should and could.

##### Birds

Numerous species have been recorded as nesting on the site. Avoidance, mitigation and compensation measures for birds must be detailed in the WPP and LEMP as outlined below.

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Reptiles

Grass Snake and Common Lizard are present on the site. Avoidance, mitigation and compensation measures for reptiles must be detailed in the WPP and LEMP as outlined below.

Japanese Knotweed

This highly invasive non-native species has been identified on the site. Mitigation and management measures must be detailed in the WPP and LEMP as outlined below

*Designated Sites and Habitats*

Ancient Semi-Natural Woodland (ASNW)

A condition must be attached to any consent that the LPA may be minded to grant to secure the submitted mitigation scheme. NRW may suggest a condition once they are satisfied with the submitted information.

Habitat

Safeguarding, avoidance, mitigation and compensation measures must be detailed in the WPP and LEMP as outlined below.

*Suggested Conditions*

In response to the submitted information and the ecological issues outlined above I would request that the following conditions be attached to any consent that the LPA may be minded to grant:

Condition - Wildlife Protection Plan (WPP), Ecological Construction Method Statement (ECMS) or equivalent document.

No development shall take place (including demolition, ground works, vegetation clearance) until a Wildlife Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Wildlife Protection plan shall be implemented as agreed. The Wildlife Protection Plan shall build upon the principles of Section 6.5 of the submitted report 'Bryngwyn Fields, Kingsbridge, Ecological Appraisal Report, EDP2688\_05c' (EDP, July 2016) and include the following as a minimum; -

- \* Risk assessment of potentially damaging construction activities. Identification of "biodiversity protection zones".
- \* Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (including species and habitat specific method statements\*).
- \* The location and timing of sensitive works to avoid harm to biodiversity features.
- \* The times during construction when specialist ecologists need to be present on site
- \* Details of lighting during construction phase including but not restricted to those measures detailed in section 5.9 of the submitted report 'Bryngwyn Fields, Kingsbridge, Outline Dormouse Mitigation Strategy, C\_EDP2688\_13c' (EDP, November 2017).
- \* Details of any additional survey that will be necessary prior to the start of works

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\*Method statements are required for the following habitats and species identified as present or having potential to be encountered on site:

SINC habitat

Woodland (including ASNW) and scattered mature trees

Hedgerows

Grassland

Watercourse

Dormice

Bats - particularly in relation to trees

Reptiles

Nesting birds

Otters

Badger

Japanese Knotweed

All language within the CEMP and the method statements within it must use enforceable language such as will and shall and avoid the use of ambiguous words such as should and could etc.

Condition - LEMP or equivalent

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management e.g. to restore and enhance existing habitats, ensure successful establishment of new habitats etc.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions to include but not be limited to; a scheme for reptile receptor enhancement and bat and bird box installation.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Condition - Lighting strategy

Prior to commencement of work, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority.

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The strategy shall include a detailed plan and specify: lighting type, specification, direction, height and lighting levels in lux/UV. This strategy and plan shall have regard for the use of the site by all nocturnal fauna currently using the site particularly foraging / commuting and potentially roosting bats, dormouse, hedgehogs, otter and badger and maintain dark corridors / foraging areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and plan, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Condition - Dormouse Mitigation

This must also be conditioned but at the time of writing we had not had any final correspondence from NRW. They may outline the condition they would suggest is attached in relation to this EPS.

Condition – EPS Licence

The hereby permitted works shall not in any circumstances commence until the Local Planning Authority has been provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead.

Reason: To ensure regard for species protected under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).

### **Council's Housing Enabling Officer**

Based on the current negotiated figure of 20% provision of Affordable Housing on-site, a 50/50% split between Intermediate at 70% ACG and 42% ACG Social Rented is acceptable, all DQR compliant, with a mix of property sizes/types to include accommodation suitable for households requiring accessible housing, such as bungalows.

### **Council's Education Officer**

#### Initial Council Officer Comments

*Education requirements detailed in the Deposit LDP Consultation Document:*

The negotiation of education provision will be based upon the following approach:

In some circumstances the secondary and primary element would be pooled into a joint requirement for one of these such that, for example, the developer may be required to build a larger primary school building than pupil numbers require in order to be able to accommodate anticipated additional future numbers in the area and make the development sustainable. In these circumstances it will be for the Council to determine the most appropriate mechanism to address outstanding investment requirements.

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Where the school building is to be provided by the developer this must be in accordance with the guidance and standards relating to education premises contained within Swansea School Standard Specification, working collaboratively with the Council, ensuring the ability of the premises to offer good quality learning environments.

School provision needs to be carefully phased in order to achieve a balance between demand for and supply of school places. Where a need is identified, developers should identify appropriate sites and provide schools at the relevant phases of developments. Additional forms of entry should be made available where necessary.

As this application is pertinent to a Strategic Site, the Local Authority will be requesting that the developer's contributions for primary and secondary education are pooled into a primary school building on site as indicated in the master plan. It is the expectation as above, that the developer will deliver this primary school building in accordance with Swansea School Standards Specification and relevant documentation and requirements stated within that document. Also close working with the Local Authority and sign off procedures will need to be adhered to during the design and build of the primary school building.

### *Master Plan information*

The requirements for the school need to be in accordance with the Masterplan for the site in the Deposit LDP consultation document.

Development Requirements: Deliver 2.5 form entry primary school building and outdoor areas including playing pitches; situated in an accessible location to the north of Garden Village during the early phases of the scheme to serve new and existing residents by all travel modes. The school campus should provide adequate drop off area and incorporate changing facilities that must be available for use by the community in association with the school playing fields (by agreement with Governing body utilising Council approved letting agreements).

The development of a new primary school building and campus will provide a community facility in a central location for use by the existing and new community. Its delivery must be phased in accordance with a programme to be agreed with the Council to ensure its completion before beneficial occupation of the total number of proposed dwellings.

### *Additional Information and clarification required from the developer*

The planning application and Design Access Statement (DAS) advises that the developer will;

Deliver one primary school with playing pitches and located in an accessible location to the north of Garden Village during early phases of the scheme to serve new and existing residents by all travel modes. School to provide adequate drop off area and incorporate changing facilities that can be available for use by the community in association with the school playing fields.

The Local Authority requires confirmation of the size of school that the developer will deliver. Requirements are set out within the Masterplan for this strategic site, as a 2.5 form entry primary school building (see below).



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Transfer of ownership of the land and buildings to the Local Authority will be required once the full scheme has been completed.

(DAS 9.5 & 11.3) - Use of the playing fields as a community facility would be by agreement with the Governing body – utilising Council approved letting agreements.

The acreage of the school site needs to be confirmed by the developer, along with the footprint of the school building to ensure that the requirements and details on Page 34 of the DAS comply with a 2.5 form entry primary school. Calculations by Corporate Building and Property Services colleagues have confirmed the calculations shown on Page 34 could comply with a 2.5 form entry school, but clearly more detail will need to be provided.

Page 35 of the DAS states that a NEAP will be provided within the school grounds. Details of this will be required in order for the decision for this to be acceptable. It cannot be guaranteed at this stage that this facility would be available for the community. Also details on any commuted sum for the upkeep of this facility would need to be made available by the developer if this was within the curtilage of the school site. The provision of the NEAP outside of the school grounds may be more acceptable to the community to ensure maximum use, availability, health and safety and maintenance.

It is advised that available walking routes and drop off facilities from the new and existing community will be provided. Details of these will need to be discussed along with ownership, maintenance and responsibility of drop off facilities (especially where these are outside of the proposed school site). The revised masterplan and supporting information details part of the drop off facility will be designed with 'lane' style road formation. It is advised that there is a pavement along this drop off to enable appropriate vehicle and pedestrian segregation.

Linkages between the school and public realm need more detail to facilitate agreement of the proposals.

### *Phasing*

The Local Authority recommends the first 1.5 form entry is delivered and handed over to the local authority by occupation of unit 200 and further 1 form entry delivered and handed over to the local authority by occupation of unit 400. Viability testing has proved the developer could deliver a 1 form entry at between units 80 and 120, therefore providing the first 1.5 form entry by occupation of unit 200 should be acceptable and viable.

However, if the developer feels it is more desirable to provide the primary school building in one phase then it would be desirable that the primary school is completed and handed over to the local authority by occupation of unit 300.

### *Education Officer Recommendation*

In accordance with the principles and requirements set out in the Deposit LDP consultation document;

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The Local Authority will be requesting that the developer's contributions for primary and secondary education are pooled into a primary school building and campus on site as indicated in the master plan for this site set out in the Deposit LDP consultation document. It is the expectation that the developer will deliver this primary school building and campus in accordance with Swansea School Standards Specification and relevant documentation and requirements stated within that document.

The Local Authority would suggest the first 1.5 form entry is delivered and handed over to the local authority by occupation of unit 200 and further 1 form entry delivered and handed over to the local authority by occupation of unit 400. Viability testing has proved the developer could deliver a 1 form entry at between units 80 and 120, therefore providing the first 1.5 form entry by occupation of unit 200 should be acceptable and viable.

If the developer feels it is more beneficial to provide the primary school building in one phase then it would be desirable that the primary school is completed and handed over to the local authority by occupation of unit 300.

### Final Education Officer Comments

Following the applicant advising that they also want a mechanism written into the S106 agreement that will allow for the payment of a financial contribution to the Council (for the construction of the school), instead of actually constructing the school themselves, the Council's Education Officer provided the following revised comments.

It is the preference that of the Education Officer that the developer constructs the school and then conveys the school to the Council.

The total sum that would be required for the construction of the school would be £9,981,415. A payment of £266,503 would be required prior to any works commencing on site, whilst the remaining balance of £9,714,912 would be required at the occupation of the 200th residential unit (to allow for time for the Council to plan and construct the school by the 300th unit). Suitable drop-off facilities should be ready to be in operation by the time the school is occupied.

### **Council's Pollution Control Officer**

At present the only information provided relating to land contamination issues is the Integral Geotechnique Desk Study Report 11541/CF/15/DS. However, the report, section 8.0 Site Investigation Proposals, acknowledges the potential contamination issues and makes proposals for further investigation to better inform the position. These proposals should be adopted by the applicant and a further report provided detailing the results of these investigations and containing any further recommendations for additional investigations, analysis and/or remediation to the relevant current standards should there be any.

The applicant shall be required to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development; within the development and upon the surrounding local area. The assessment should pay particular attention to the 1 hour NO<sub>2</sub> objective and NO<sub>2</sub> annual mean objective within the National Air Quality Strategy and Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002.

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In addition the assessment should also pay particular attention to the PM10 objectives set in regulation (24 hour mean objective of 50µg/m<sup>3</sup> – 35 exceedances' and the annual mean objective of 40µg/m<sup>3</sup> to be achieved by the 31/4/2004 and maintained thereafter). Also, an indication of the particles (PM 2.5) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25µg/m<sup>3</sup> should be made.

No objections are raised subject to conditions relating to land contamination, imported soils, imported aggregates, verification / validation of remediation works, unforeseen contamination and air quality.

### Council's Japanese Knotweed Officer

A planning conditions must be placed must be placed upon this application, as follows.

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement for the control of the plant.

### Council's Parks Department

It is suggested that the developer will engage the services of a Private Management Company to carry out the maintenance of any POS or Play Facilities which the Parks service have no objection to in principle. However, if the Parks service is expected to adopt any POS or proposed Play facility we would like the following to be taken into account.

\* A commuted sum will be required from the developer for any future maintenance any PLAY facility, tree maintenance/management or POS carried out by The Parks Service.

\* The provision of an appropriate planting scheme which will list the proposed species of trees and shrubs to be planted prior to approval where we can determine any maintenance or safety implications involved.

\* 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.

\* Due to current spending restrictions any commuted capitol sum for a proposed new play area would be better directed to the upgrading of our existing facilities at Garden Village Rec. Ideally we would not want to create any additional play areas whilst the authority is looking to rationalise its existing play areas due to both financial restraints and a reduction in staffing resources.

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I therefore propose that the City & County of Swansea should seek to enter into a planning obligation to secure an offer of a financial contribution from the developer towards the upgrading and increasing the size and items of play equipment at this facility.

### APPRAISAL

This application is being reported to Planning Committee due to the size of the development and as it is a departure from the adopted Unitary Development Plan (2008).

Planning permission is sought for a residential-led mixed use development, to be developed in phases, including: preparatory works as necessary including earthworks/regrading of site levels; up to 750 residential units (including affordable homes); provision of 1 no. Primary school; circa 280m<sup>2</sup> - 370m<sup>2</sup> of flexible A1-A3 / D1 floorspace; open space including parks; natural and semi natural green space; amenity green spaces; facilities for children and young people; outdoor sports provision including playing pitches; associated services, infrastructure and engineering works including new vehicular accesses, improvement works to the existing highway network, new roads, footpaths / cycleways; landscaping works (including sustainable drainage systems), ecological mitigation works and ancillary works.

The planning application is a 'hybrid' application. Outline planning permission (with all matters - except access - are reserved) is sought for the majority of the development works. However, full planning permission is sought for the proposed access road that will serve the site off Hospital Road together with the associated works required to form the junction between Hospital Road and the new access road.

The site is located to the north of Garden Village within the Kingsbridge Ward on the north-west edge of the City of Swansea.

The site is boarded by the following land uses:

- \* To the north by Hospital Road, beyond which is Garn Goch common and the commercial trading estate of Garngoch Industrial Estate;
- \* To the east by Pen Y Waun Common and the A484;
- \* To the south by the existing residential settlement of Garden Village; and
- \* To the west by the existing settlement at Gorseinon and by a dismantled railway line (now a cycle & footpath) and the Afon Lliw.

The site comprises approximately 50ha of undeveloped land situated on the northern and north-eastern edge of Garden Village. The site sits within a varied landscape of permanent pasture, unimproved common land, current and former industrial sites and residential urban areas.

The site consists of a number of undulating fields (subgrade 3b or 4 with some areas limited to grade 5) with hedges and scattered trees in the south, which are predominantly utilised for the grazing of animals, but also abandoned pastures exhibiting no recent management. In addition, two areas of semi-natural broadleaved woodland, an area of willow and alder carr and scrub woodland, and numerous areas of dense scrub comprise the remainder of the site. In addition there is a small area of ancient semi-natural woodland towards the northern end of the site.

The field pattern is shown in first edition Ordnance Survey map and there was a small farmstead - Penyfode Fach - in the south-eastern area of the site accessed from what is now Swansea Road.

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In the northern part of the site is unmanaged woodland, including ancient woodland. The site drops down in the west to the Afon Lliw. The site is crossed by two overhead power lines leading to an electricity sub-station outside the site to the north-east within the common land area, and by an underground high pressure gas main which runs from the northern section to the south eastern section of the site.

Two Tree Preservation Orders lie within the site:

\* TPO-P17.7.4.435 relates to trees in and around Clos Bryngwyn which overlap onto the application site; and

\* TPO642 relates to a significant number of trees and hedgerows within the site itself.

There are no statutory nature conservation designations affecting the site. Within the application site (and adjacent to it) is a locally identified Site of Nature Conservation (SINC).

The site also includes a small section of common land within the northern section of the site (CL44 Mynydd Garngoch Common).

Around the site are industrial / employment sites off Hospital Road to the north. Mynydd Garn Goch Common to the west. The residential area of Garden Village is to the south with existing pitches and a play area abutting the southern boundary of the site. To the west is the former rail line, now a cycle route, and beyond this an industrial area to the south-west, part of which was Mardy tinplate works. Gorseinon High Street some 1km to the north-west.

The application site is currently designated as 'Green Wedge' within the Unitary Development Plan (2008).

### Main Issues

The main issues for consideration with regard to this application relate to the principle of developing the site as a 'strategic site' for a mixed use development, incorporating residential development, a school, Class A1-A3 / D1 floor space and associated roads and infrastructure, the impacts on the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts upon education provision, trees, ecology, drainage and environmental interests with regard to the provisions of policies EV1, EV2, EV3, EV5, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, EV41, EC6, EC13, HC3, HC15, HC17, HC23, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) – Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the Human Rights Act.

### Policy – Principle of Development

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise.

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Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence and/or significant changes in circumstance undermine the basis upon which UDP policy was originally formulated. Therefore whilst the UDP must be the starting point for decision making, given the Plan's time expired status, in this instance it is appropriate to consider the unique circumstances that apply in the case of this application to resolve whether any departure from UDP policy can be considered justifiable.

Having regard to the above UDP planning framework, it is clear that the proposal is contrary to the extant development plan, being located outside the defined settlement boundary and being within the countryside and a designated Green Wedge. The application must therefore be considered as a departure to the UDP.

The following analysis considers the special circumstances that apply in this case relating to other Council approved and emerging policy.

The Council has approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development.

This document sets out the Council's strategy for determining departure applications and provides for an approved mechanism to prioritise certain 'departure sites' above others in the interests of addressing the Council's current shortfall in housing land and delivering affordable housing.

The Guidance Note highlights that in order to reinstate the required 5 year housing land supply, the Council's approach is to focus support for departure proposals that deliver homes and wider community benefits at allocated Strategic Sites (known as Strategic Development Areas), which are deemed integral to the delivery of the LDP Strategy. Support for the principle of such sites delivering new homes as soon as possible, will help to ensure their proposed capacities can be effectively delivered during the Plan period up to 2025. In this context it is significant therefore that the application site is designated a Strategic Development Area in the Deposit LDP (Policy Ref SD B refers).

The Guidance Note states at Para 4.5 that "Planning applications relating to Strategic Sites must be underpinned by a masterplan that relates to the whole site, regardless of whether the planning application proposes only an element of the site is delivered as an early phase... The masterplan should be formulated with appropriate stakeholder consultation and meet the policy requirements of the emerging LDP, and be agreed by the Planning Authority. The Council will seek the delivery of complementary uses and infrastructure that provide wider community benefit alongside proposed new housing. Strategic Sites are considered best placed to demonstrate that the delivery of such community uses and infrastructure is viable and directly related to the wider development proposed."

Section 5 of the Guidance Note highlights the evidence that the applicant should provide for a Departure Planning Application of this nature. It states at Para 5.1: "Departure applications will need to demonstrate that the proposed development is in-line with the emerging LDP, and will deliver a meaningful and early contribution to meeting housing supply."

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In addition to the supporting information normally required to determine applications, proposals will also need to be accompanied by evidence that demonstrates that the site is sustainable, viable, compatible with the LDP strategy and will deliver housing completions before the adoption of the LDP.

It is considered that the various documents and drawings adequately demonstrate that the development is sustainable, being located in a suitable location and embraces the placemaking strategy of the deposit LDP. The site is well served by public transport and will improve the local network of paths for walking/cycling etc. These issues are explored in more detail later in this report.

It is also considered that the developer has adequately shown the development to be financially viable, an issue which has already been explored during the LDP process. The development is compatible with the LDP strategy for the reasons explained later in this report.

It is however acknowledged that the proposal will be unlikely to deliver housing completions before the adoption of the LDP. The LDP is currently being 'examined' by a Planning Inspector, with adoption anticipated in early 2019. Therefore, given the relatively short period of time until the LDP is adopted, it is unlikely that the applicant will have sufficient time to submit reserved matters applications, discharge planning conditions etc and carry out development works on site to such an extent that houses are completed prior to early 2019. However, it is nevertheless anticipated that if planning permission is granted for the development, then housing will be delivered during the early life of the adopted LDP, which is welcomed.

The Deposit LDP is currently at Examination stage, having been approved by the Council for submission to the Welsh Government and Planning Inspectorate in July 2017. The principle of development at the proposed site has therefore been accepted by Council as being appropriate for independent review by a Planning Inspector at the Examination.

There is clearly a Council approved mechanism in place to potentially allow a departure application at this location. Given the above emerging strategic planning context and policy framework, the principle of development at this location, which has been assessed as not fundamentally undermining the green wedge at this location, has been accepted by the Council. Notwithstanding this, an acceptable departure scheme must be compliant with the LDP in its widest terms, i.e. beyond just the principle of it being an acceptable development site.

It is acknowledged that Section 5.1 of the Developer Guidance Note (DGN) requires developers to bring forward the delivery of house completions before the adoption of the LDP. However in this particular circumstance, 3 years have elapsed since the approval of the DGN, and the LDP process is now at the Examination stage, and therefore it would be unrealistic to deliver housing completions prior to the adoption of the LDP. Notwithstanding this, it remains important to not delay the determination of such planning applications until after the LDP Plan adoption (the date of which is beyond the control of the Authority given the role of the Planning Inspectorate) and to allow residential developers to commence development in the short term and start meeting the immediate housing need, which is the purpose of the Guidance Note.

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The developer has indicated that the development will be delivered in 3 phases as follow:

- \* Phase 1 – 350 units, the school and playing fields (& suds attenuation), scheduled 2020-1 / 2021-2
- \* Phase 2 - 260 units scheduled 2022-23 to half way thru' 2024-25
- \* Phase 3 – 140 Units schedules from half way thru' 2012-25 / 2025-26

The emerging LDP typically has very limited weight for determining planning applications. It is nevertheless important that the scheme adequately complies with the policy objectives and aspirations set out in the Deposit LDP, as emphasised by the Council adopted Guidance Note (para 4.5), and in particular exhibits excellent placemaking credentials. The Placemaking principles and Development requirements are set out in draft LDP Policy SD 1 and (site specific) Policy SD B, which also includes a concept plan summarising the objectives for the site.

The Placemaking Principles and Development Requirements for the site set out in LDP Policy SD B are:

### Placemaking Principles

- \* Create a well-connected sustainable extension to Gorseinon and Garden Village, comprising a number of character areas that integrate positively with the existing District Centre, existing housing clusters, community facilities, Active Travel networks and public transport facilities.
- \* Create a connected multifunctional Green Infrastructure network throughout the site that facilitates Active Travel with particular emphasis on: integrating landscape features, protecting biodiversity, habitat creation and native provenance tree planting, and supporting a range of opportunities for formal and informal play.
- \* Provide a mix of higher densities at key points in layout and lower densities on the rural/sensitive edges.
- \* Design public spaces to be part of the 'Green Infrastructure' of the site in order to be multi-functional, situated at accessible locations, and catering for all elements of the community.
- \* Deliver a focal public realm area that corresponds with the school frontage.
- \* Provide local facilities with residential use above adjacent to the primary school.

Full details of the Placemaking Principles are explored further in the Design / Visual Amenity / Place-making Principles section of this report below.

### Development Requirements

- \* Deliver 2.5 form entry Primary School with playing pitches and located in an accessible location to the north of Garden Village during early phases of the scheme to serve new and existing residents by all travel modes. School to provide adequate drop off area and incorporate changing facilities that must be available for use by the community in association with the school playing fields.
- \* Deliver internal spine street and associated junctions to run broadly north-west to south-east through the development area and with an access directly from Hospital Road north east of the development area.
- \* Off-site highway improvements having regard to the requirements arising from the necessary Transport Assessment and accordance with the Transport Measures Priority Schedule.



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- \* 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, in accordance with Active Travel design including the linkages identified on the Transport Measures Priority Schedule, including AT7 - Kingsbridge/Stafford Common Cycle Link, AT09 - to Railway Terrace and Gorseinon District centre, AT10 and 11 to Swansea Road and Hospital Road.
- \* Incorporate existing PROW within the development by appropriate diversion and enhancement to form legible and safe routes for school and community access.
- \* Retain and provide suitable buffers to habitats, particularly hedgerows, trees (including Ancient and/or Semi-Ancient Woodland) and SINCs.
- \* Submit and agree ecological management plans including proposals for mitigation, enhancement and maintenance for retained habitats and protected species (including for bats and dormouse) and provide appropriate compensatory and replacement habitat.
- \* Provide suitable replacement land for Mynydd Garngoch Common, CL44, ensuring the replacement land has full public access to ensure public rights for air and exercise, including access on foot and horseback.

The above issues are discussed later in this report.

The supporting text to Policy SD B emphasises that the development should seek to strengthen connections with established communities, both to the north and south, by sensitively integrating the development with the existing urban form. It emphasises that in order to maximise the site's location in relation to Gorseinon District Centre, new cycle and pedestrian routes must be provided both to and within the site to enable sustainable travel to the District Centre and connections to the existing PROW network. The policy text goes on to explain that development should create a sense of place and stimulate activity through the day at the nodal point near to the school, and that commercial floor space within the ground floor level of the potential apartment blocks should be provided. These should be 'flexible unit(s)' (incorporating the corner plots) for uses such as a local shop, café, live-work units and/or health facilities.

Whilst compliance with the above LDP policy framework is important to allow a departure from, and variance with some UDP policies (such as Green Wedge Policy), other UDP policies identified above are still relevant to the determination of this application. Given the particular circumstances and nature of the proposals, key UDP Policies listed above that the application must satisfactorily address relate to:

- Design
- Green Infrastructure and Open Space
- Drainage
- Common Land
- Woodland Protection/mitigation
- Provision of important infrastructure, including transport
- Affordable Housing

In terms of Affordable Housing, the site has been subject to an Independent Financial Viability Appraisal (IFVA) that has been undertaken at the expense of the applicant and with the benefit of data provided by them. The appraisal has indicated that, having regard to costs and values attributed to the proposals, the site cannot deliver 30% affordable housing. The IFVA does confirm that 20% affordable housing can be delivered across the site.

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The proposal is a departure to the extant UDP. However the Developer Guidance document, together with the new/emerging policy framework, provides a mechanism to allow a departure to the extant development plan in this case. Having regard to the analysis in the paragraphs above, it is considered that 'in principle' the proposal is an acceptable departure application, which will deliver both market and affordable homes, a primary school and flexible retail / community floor space, within reasonable timescales, which would justify a departure from the UDP by virtue of the Council's approved Developer Guidance document.

In this regard, the principle of the proposal is therefore considered to be acceptable.

### Design / Visual Amenity / Place-making Principles

#### Background

This is the first of the Strategic Sites identified in the emerging LDP to be presented to the Planning Committee for determination. There have been very few applications for strategic housing developments of this scale in Swansea in recent years. The previous approach was a number of smaller disparate housing sites linked to existing suburban areas. These have proven to be poorly connected with limited access to public transport and community infrastructure such as schools. The new approach of strategic housing developments is based on sustainable placemaking principles to create new neighbourhoods with new community facilities and public transport at the centre. This places strong emphasis on the legacy, sustainability, quality of life and wellbeing not simply on the delivery of housing targets.

The evolution of the masterplan for this Garden Village site and preparation of the supporting placemaking framework has been a partnership approach working closely with the applicant and their design team. The collaborative and iterative process of testing and refinement reflects the placemaking process that underpins the emerging LDP. The scheme has been subject to Design Review with the expert impartial Design Commission for Wales on 17th March 2016.

#### Design / Placemaking Assessment

The outline part of this hybrid application's proposals and supporting placemaking framework, have been assessed against the design policies of the Unitary Development Plan including:

- \* EV1: Design
- \* EV2: Siting and location
- \* EV3: Accessibility
- \* EV4: Public realm

The application of these policies to residential developments is expanded upon by the adopted Residential Design Guide (SPG) which focusses on new developments of 10 or more homes and is underpinned by the proactive placemaking planning approach.

It has also informally been assessed against the emerging Placemaking Policies of the emerging Local Development Plan.

The emerging Local Development Plan sets out general placemaking policies and a specific policy for this site and concept plan. This requires the provision of a new school and community retail at the heart of the new walkable neighbourhood. The Outline proposals have been developed in recognition of this and are fully compliant with this approach.

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The LDP allocation relating to for this site envisages up to 750 homes and this is reflected in the amended development description. This is supported by technical studies such as the Transport Assessment that has have been based on no more than 750 homes.

The first section of the Design and Access Statement (DAS) submitted in support of this outline planning application, sets out the analysis, concepts and justification, plus an indicative masterplan. The second part of the DAS contains a series of parameter plans and supporting principles to form a robust placemaking framework that underpin the indicative masterplan and these will be conditioned as part of any outline planning permission granted so that future Reserved Matters applications must be in substantial accordance with these documents, thereby setting an appropriate balance of certainty and flexibility.

The application, comprising an indicative masterplan, DAS and parameter plans, have been assessed in a structured manner using the criteria set out in the adopted Residential Design Guide. This assessment starts with strategic aspects such as neighbourhoods and mixed uses and works through the detail to conclude with character and are fully explained in the following paragraphs.

### Neighbourhood creation

The LDP allocation for this site requires a sustainable extension to Garden Village that is linked to Gorseinon High Street. The outline proposal is for up to 750 homes comprising a mixture of 1-2 bed apartments and 2, 3, 4 bed houses. The approximate population could be 1800 people (based on an average occupancy of 2.4 persons per home) and this will be a mixed community including many families, which is welcomed. The exact mix of house sizes will be confirmed at the Reserved Matters stage.

The masterplan layout has been conceived to support the walkable neighbourhood requirement with a network of pedestrian routes and green spaces that encourage walking and health/well-being. The proposal is for a large (3.2ha) new central parkland area with an extensive range of play provision, plus multiple path links to positively integrate and benefit the existing Garden Village community and the new community. The co-location of the new primary school and community retail in a central location, with a focal open space, will create a clear 'heart' to the new walkable neighbourhood. The size of the development at the longer east / west dimension is 1km which relates to a 10-20 minute typical end to end walking time, plus the centre of the development is 1km or a 10-20 minute walking time to the District Retail Centre facilities on Gorseinon High Street.

The following sections of this assessment demonstrate how the masterplan and parameter plans support the walkable neighbourhood approach with a clear placemaking fix (such as the requirement for the streets and paths to connect to form a pedestrian network), whilst providing sufficient flexibility for the detail to be resolved at the reserved matters stage (such as the allowance for the exact location of paths and streets to be agreed in future).

### Density and mixed uses

The emerging LDP sets a density target for all strategic sites of 35 dwellings per hectare (net). This density allows for higher density in central locations, standard family housing with useable gardens across much of the site, and lower densities on sensitive edges.

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This ensures that good use is made of the site to provide a critical mass of residents to support the community infrastructure, without overdeveloping the site or harming the amenity of new or existing residents. The net density measurement is calculated based on the residential areas only and excludes open spaces and non-residential uses. The entire site at Garden Village within the application 'red line site boundary' is approximately 50ha, however only 18.75ha (38%) is proposed for residential development. With a capacity up to 750 homes, this gives a net density of 40 dwellings per hectare. This is welcomed in principle and the Reserved Matters application will need to be monitored to ensure that each phase meets the density target.

The indicative masterplan has been an important design tool to assess the housing capacity for the entire site. This is supplemented by larger scale 'test layouts' at 1:500 scale, focussing on key areas and together these confirm that the number of homes and proposed density make good use of this strategic site and reinforce the townscape aspects without resulting in a cramped or overly intensive development.

In accordance with the emerging LDP and the adopted Residential Design Guide, the density of development varies within the site. Higher density town houses in short terraces and apartments are proposed along the entrance 'Boulevard' to help define the heart to the development, the core of the site is family homes with gardens, whilst the edges and the sensitive western area adjacent to the SINC are lower densities to ensure a positive integration with the wider countryside.

20% of the homes (150) will be affordable and these will be integrated into each phase of the development as clusters amongst the private homes. The type, tenure and mix of affordable housing will be confirmed at the Reserved Matters stage and this will be identical in design, character and quality to the private homes.

The site is a residential-led mixed use scheme and whilst it will accommodate a modest number of jobs within the new primary school and community retail units, there is no employment floor space proposed, which is in accordance with the employment strategy of the emerging LDP. The LDP confirms that there is sufficient land in existing employment areas and where possible new office jobs should be concentrated in Swansea city centre as part of the regeneration programme. This means that most residents in employment on the Garden Village site will need to travel to work.

The new 2.5 form entry primary school has been sited at the heart of the walkable neighbourhood, in accordance with the LDP concept plan. Not only are quality schools essential to the future of young people, they are also the centre of communities both for parents and also for activities and events outside school hours. The new school has been co-located opposite community retail units and a main open space at the junction of the entrance Boulevard and east west spine street to create a strong and legible focal area to the development. The S106 agreement requires the school to be completed and ready for use prior to the occupation of the 401st new home. The Council's Education Officer has raised no objection to the proposal, subject to the provision of the school being controlled by means of a S106 agreement.

The community retail space comprises two units of 110m<sup>2</sup> (both with potential to extend to the rear by 45m<sup>2</sup>). These could be arranged as 2-4 separate units that are serviced from the front. They are integrated into the three storey apartments facing the school to ensure natural surveillance and vibrancy.

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Together these elements form the heart of the development and their legible and accessible location encourages walking and cycling. The parameters plans such as the land use plan and street hierarchy plan, sets the framework for this 'heart' and the exact positioning and architectural design will follow at the Reserved Matters stage.

Consultation responses have highlighted the lack of capacity in local doctor's surgeries. The proposed community retail floor space could potential accommodate a new or satellite surgery in one of the units whilst leaving a further 110m<sup>2</sup>-155m<sup>2</sup> for other commercial uses.

The land use parameter plan provides sufficient certainty to ensure that the disposition of uses outlined above will be delivered and this can be refined at the Reserved Matters stage.

### Natural heritage

The site is 'greenfield' and is not previously developed land. It comprises a network of fields, hedges and isolated trees in the southern area and unmanaged woodland including ancient woodland in the north. The entirety of the site is currently designated as 'green wedge' in the UDP. The proposal would retain a significant green corridor in the northern area as undeveloped land with retained habitats and woodland, thereby retaining approximately half the width of the green wedge to stop coalescence of Garden Village and the settlement to the north, as well as protecting a wildlife corridor from the eastern to northern areas of the common.

The masterplan layout has been prepared to avoid development in the areas of ecological sensitivity, and as a result the development is proposed in the open southern area of fields with some hedges and the majority of isolated trees retained. There is no development in the ecologically sensitive northern area except for the main access road from Hospital Road. This affects a small area of ancient woodland (98.3% retained and 1.7% removed) and dormice habitat, and a mitigation strategy has been agreed with Natural Resources Wales (subject to conditions) that includes compensatory planting at the ratio of 1:1.6 and active management of the currently unmanaged ecological areas in the future.

The development of the southern area retains the substantial northern / eastern green corridor that links the eastern and northern parts of Mynydd Carn Goch common. Public access to this area will be restricted (other than the main access road) and this area will benefit from active ecological management. The open grassland SINC in the western area is also retained with active management and public access restricted.

The ecological considerations have informed the Green Infrastructure Strategy for this site which balances the community and nature interests. For example, this includes new 'ecotone' planting which comprises transition planting between the existing grassland and woodland areas. This benefits the nature conservation to increase the habitat whilst providing buffering from the residential activities and improving the environment for new residents.

The masterplan layout has been drawn based on accurate survey of all trees and hedges, to ensure that there is a high level of retention, with the majority of trees integrated as features within the public realm. This will help give the new neighbourhood a distinct character and sense of place. The areas of vegetation retention are set out in a parameter plan and all retained trees and tree groups will be protected by Tree Preservation Orders to ensure that they are retained and protected in the future.

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The stream in the eastern area will be retained as a feature within the open space area, plus new areas of water will be formed by means of ponds that are part of the Sustainable Urban Drainage System (SUDS). This increases the water habitat on site as well as retaining/creating features within the open spaces and public realm that will help give the development a sense of place that contributes to the health and wellbeing of residents.

There are no extant farm buildings to retain, but there are the remains of Penyfode Fach farmstead in the south-eastern area, close to the east end of Ffordd Talfan. This is the location of the proposed southern drop-off for the school, accessed from Swansea Road. Therefore it is suggested that this area is recorded to document any standing remains before development commences. Furthermore the site investigation archaeological investigation work has highlighted the potential for a Roman or earlier feature adjacent to the western SINC area. The current proposal which has been agreed with GGAT, is to fully excavate this area to gain a better understanding of this feature and to develop in this area.

A Landscape and Visual Impact Assessment (LVIA) has been undertaken. This indicates a low to moderate effect on landscape character and visual impact. The LVIA recognises that development on the high ground area within the site will be prominent and this can be addressed through design such as roofscape articulation and planting to soften the built form. The LVIA also recognises that the site benefits from wide ranging views, which will contribute to the character and sense of place.

Cadw have been consulted on the visual effect on the off-site designated heritage, namely Scheduled Ancient Monuments and they have confirmed that there are no harmful impacts.

### Connections

Although the site is large (50ha), there is no public access to or through the area at present. The vehicle, walking and cycling routes circumvent the site well away from the boundaries on Gorseinon Road, Hospital Road, Swansea Road and the cycle way along the former rail line.

The placemaking concept within the masterplan layout responds to the requirements of the emerging LDP and the adopted Residential Design Guide; the proposal sets the framework for a walkable neighbourhood with strong links to the surrounding area and strong links through / within the site.

In total there are eight proposed pedestrian and cycle links to the surrounding area. This includes multiple pedestrian/cycle access points to / through the new central parkland which will join the new community to the existing Garden Village community. These links will also connect the areas surrounding the site (for example linking Swansea Road to Hospital Road by foot and cycle). The previously proposed footpath link to the school drop off area from Ffordd Talfan has been removed from the proposal in response to community concerns.

The proposals include a new connection to the existing cycle route over the Afon Lliw which links to Gorseinon High Street. This connection passes through the western wooded SINC area that is boggy, which means that the route is likely to take the form of a raised boardwalk to allow the ground water to flow below. This will create a unique and distinct link that balances the requirement of people and nature.

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The DAS also includes a proposal to upgrade the environment along Railway Terrace which is outside the site boundary to encourage walking and cycling. The S106 agreement includes a financial contribution for this link / enhancement works which will be delivered once a certain amount of development has been completed to finish the greenspace and SUDs pond in the western area of the site which relates to the alignment of this route. In addition, a S106 contribution will be made towards the proposed new cycle path which will extend the existing Kingsbridge Link cycle path to connect to Gowerton railway station.

The layout within the site is based upon the LDP and Residential Design Guide requirement for a connected network of streets and spaces as the basis of a walkable neighbourhood. This aligns with the national emphasis on walking and cycling by means of the Active Travel Act. The positive provision for walking and cycling includes north and south perimeter paths that allow for informal recreation along the green edges within the site that are overlooked by house frontages. The main movement routes within the site are provided by a hierarchy of streets with the east-west spine street emphasised by the public realm treatment, including trees along verges and active house frontages. The body of the site is made up of connected streets that are legible and easy to find your way around. The full pedestrian permeability is ensured in private drive areas by linking paths to avoid creating cul-de-sacs for pedestrians. All streets within the site are well overlooked to ensure community safety and deter anti-social behaviour.

The main vehicle access off Hospital Road includes a shared 3m wide path (narrowing to 1.8m where it passes the retained ancient woodland) to one side only, to balance the active travel requirements in support of walking and cycling, whilst limiting land-take through the ecologically sensitive northern area in order to minimise the impacts on ancient woodland and protected species.

The proposal includes a secondary vehicle access for 150 homes and school drop off Swansea Road. This also creates the opportunity for a bus service to pass through the site from Hospital Road to Swansea Road, with a central bus stop in the open space by the co-located school and community retail area. The location of this bus stop will be within a 400m walk for most homes on site and this should help encourage sustainable travel habits with convenient access to this facility. The carriageway of streets along the bus route would be 6.5m wide to ensure ease of bus access through the site. The through route to Swansea Road should be delivered as part of the second phase of development and this can be ensured by the phasing plan which will be required by condition. This bus route is proposed to incorporate a bus gate to stop private cars passing through the site.

In order to ensure that the development is served by public transport to encourage active travel habits there needs to be certainty over the provision of the bus service. To ensure that a bus service uses the bus route within and through the site, a S106 contribution is needed to allow the Council to subsidise / pump prime the bus service to ensure that the residents adopt sustainable travel habits where possible. The cost of this is £101,000 per year. The applicant has agreed to fund this for a two year period. This money is to be paid at the occupation of the 75th residential unit.

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### Public spaces

The play and open space element of the placemaking framework proposes that approximately 5ha is set out as publically accessible open space, plus additional informal space such as the northern perimeter path. The open space is distributed through the site, with the main park (3.2ha) acting as a focal point and connection between Garden Village and the new community which will be delivered by a specified number of homes and as set out in the phasing condition.

A number of additional parks are provided at the eastern end of the site, as well as informal space along the northern rural edge that wraps around to the east and then to the frontage adjacent to the Swansea Road roundabout. It is proposed that these open spaces will be laid out as part of the relevant housing phase and they will be maintained by the Council with a commuted maintenance fund.

Within these main spaces, play provision in accordance with the Fields in Trust guidance, is proposed to ensure healthy lifestyles, wellbeing and community cohesion. This includes a Neighbourhood Equipped Area for Play (NEAP) typically comprising activity zone of 1000m<sup>2</sup>, at least nine play 'experiences' and 30m buffer to nearest homes; a Local Equipped Area for Play (LEAP) typically comprising 400m<sup>2</sup> activity zone, at least six play experiences and 20m to nearest homes; a Multi-Use Games Area (MUGA) typically comprising all weather surface suitable for various ball games with rebound fence panels, all within the main central park where they are accessible to existing Garden Village residents and the new community.

This central park which will support informal recreation is also proposed to include a community orchard to encourage community food growing. The network of paths within the site, including the perimeter paths on the green edges, will encourage walking and a leisure activity. Additional LEAPs and Local Areas for Play (LAPs) are incorporated in the rest of the site. Furthermore the eastern area of protected woodland and existing stream is proposed to be supplemented by a SUDS pond and informal play opportunities. The play hierarchy is shown in the parameters plans and the detail of the play provision in each area will be resolved at the Reserved Matters stage in discussion with residents and young people and children.

There were discussions about accommodating play provision on the western low density area adjacent to the SINC to serve that part of the site, but this was not considered necessary given the ecological constraints, proposed large gardens and proximity to the main central park.

Given the positive provision of open space and play opportunities on site, the nature areas including the SINC areas and northern woodland will have restricted public access. This will include fences to deter people and domestic animals entering the ecological areas and the details of this will be resolved at the Reserved Matters stage.

In addition to the green spaces, a paved urban square is proposed at the southern end of the entrance Boulevard where the school is co-located with the community retail. This space will incorporate the T junction between the Boulevard and Spine Street, drop off for the school and potential coach turning area, plus customer parking for the community retail units. Clearly this area will be complex and busy at times. The masterplan and 1:500 testing layout suggests one way in which this area could be laid out and the detail of this will be resolved at the Reserved Matters stage.



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As this is a greenfield site, the surface water attenuation scheme requires surface water from roads, roofs and hard paved areas to be stored following periods of rainfall and then slowly released into the existing watercourse networks to ensure that this is not overloaded. This creates an opportunity for multi-functional green infrastructure; the masterplan and placemaking framework proposed Sustainable Urban Drainage Strategy (SUDS) ponds as naturalistic features within the open spaces (referred to as 'events' in the DAS). These are features within the open spaces, additional ecological habitat and a drainage attenuation feature. They will be adopted by the Council and maintained using a commuted sum.

The pedestrian links also include links in the eastern part of the site to Mynydd Carn Goch Common which is open access common land. This supplements the extensive provision of open space on site.

The playing field to the new school will be fenced in, accordance with safeguarding requirements. There may be potential for community use of the school facilities such as pitches within the school grounds (out of hours) but this depending on the approach of the Head Teacher and Governors and is outside the control of the planning system.

The existing pitches and play area off Ffordd Talfan and Myrtle Road are outside the boundary of the application site and are not affected by the proposals.

All the spaces are easily accessed with the connected pedestrian network, plus they are would be well overlooked by front elevations of homes to ensure natural surveillance and to deter anti-social behaviour.

### Street design

The masterplan shows a connected hierarchy of streets to ensure legibility and permeability in support of walking, cycling and community cohesion. This will be ensured through the street hierarchy parameters plan. All streets are to be offered for adoption, they will have a 20mph design speed and the key design element of each street type as follows:

- \* Access Road - 6.5m wide carriageway for bus access with 3m shared pedestrian and cycle path on one side only to limit intrusion into ecological area
- \* Boulevard and Mixed Use Spine Street – 6.5m carriageway for bus, plus grass verges and regularly spaced trees to both sides with 2m footway on one side and 3m shared path on the other. Maximum 3 storey buildings with accommodation in the roof (known as 3.5 storeys) and minimum 2m garden area with front boundary railings. All residential parking behind the building line.
- \* Residential Spine Street (the east-west 'back bone' to the site) – 5.5m carriageway with 2m footways to either side (6.5m carriageway along bus only route to Swansea Road). Minimum 2m front gardens and regular tree planting within residential frontages. Potential for frontage parking on one side of the street only where it does not dominate the frontages.
- \* Secondary Street – as per the spine street but without regular tree planting along the frontages (6.5m carriageway along bus only route to Swansea Road with control bollard in eastern part of the site to stop through traffic other than buses).
- \* Lanes and Mews - shared space carriageways of 7m with defined pedestrian zone.
- \* Private Drive – these will serve small groups of homes and supplemented by pedestrian paths to ensure walking connections.

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The importance of the streets varies in terms of width / height (enclosure), frontage treatments and parking arrangements. The more important streets that provide the main connections are emphasised by taller buildings and regularly spaced street trees. The design of the streets balances the place / movement functions so that they can accommodate traffic whilst also supporting the social life of the new neighbourhood. Key areas will be emphasised through block paving; a range of surfacing options and associated commuted sums are being considered by the Council and this detail will be resolved at the Reserved Matters stage.

As indicated earlier, the layout includes an urban square outside the new primary school for drop off, coach turning, deliveries to commercial units and parking for commercial units. The 1:500 testing layout has confirmed that there is sufficient space for these movements to operate effectively and the detailed layout design will be confirmed at Reserved Matters stage. As the layout is a connected network, there are junctions to the north of the square (off the Boulevard) leading to the east and west before the focal square is reached, which allows traffic to avoid this area at busy times by building alternative routes with the network of streets within the site.

### Inclusive Design

The development and public realm will be inherently inclusive. There are no steep gradients within the site. All streets will have pedestrian provision and low speed shared street areas will have defined pedestrian zones. The parks and play areas will be accessible to all and they should be designed in consultation with potential users. The legible layout will make the development easy to navigate and the main areas such as the school and open spaces are centrally located and will be easy to find. The public buildings, such as the school and community retail units, will meet the access requirements of the Equalities Act and Part M of the Building Regulations which deals with access to and the use of buildings.

The streets and open spaces will be adopted and the development will be open and permeable for all members of the public. The site will provide new public walking and cycling routes from Garden Village to Hospital Road that do not currently exist and the extensive on site play/ open space provision will be accessible to all.

### Buildings/ Townscape

The way that the buildings are arranged alongside the network of connected streets creates a townscape. The basis for the townscape throughout the scheme is set by the parameters plans and the townscape detail will be resolved at the Reserved Matters stage.

The applicant is a national house builder with a standard range of house types and the indicative masterplan shows a mixture of apartments, terraced houses, semi-detached and detached. Junctions will be emphasised with corner turning buildings with two public elevations in accordance with the Residential Design Guide. The layout shows consistent building lines and taller buildings to define key areas within the neighbourhood.

The maximum building height will be three storey apartments with accommodation in the roof (known as 3.5 storeys). The community retail units will be within the 3 storey apartment blocks and opposite the school which ensures intensity and best use of land.

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The site indicated for the new 2.5 form entry school requires a two storey school design to ensure sufficient external space is provided for pupils. The DAS sets out the parameters for a two storey school which will become the focal building to close the view at the south end of the entrance Boulevard. The scale of this 2 storey education building is compatible with the three storey apartments opposite. The design of the school is not fixed at this stage (it has been informed by comparable 'model' schools built elsewhere) and the detail will be resolved at the Reserved Matters stage.

The new homes will have legible entrances facing the street and habitable windows will face the streets and open spaces to ensure natural surveillance and community interaction. A key aspect of the masterplan is outward facing edges where homes face the countryside rural edge to maximise the outlook and provide natural surveillance of the perimeter paths and public realm areas. This is a step change from past developments that would back onto site boundaries and this is set as a requirement in the built form parameters plan.

### Community Safety

As noted earlier, the site will form new through routes for pedestrians and cyclists and the open spaces / play areas will be open to the wider community, not just the new residents. This is essential to integrate the existing and new communities and the fact that all streets, open spaces and play areas will be well overlooked by frontages, including front doors and windows to habitable rooms, which will ensure natural surveillance and deter anti-social behaviour.

As the layout is based on the perimeter block layout, the majority of gardens are secured by buildings and are not open to casual intrusion.

The parking for residents in the apartments in the Boulevard area will be accommodated behind the buildings in well overlooked parking courts. It is not appropriate to have parking in front of the building line along the approach Boulevard, as this would disrupt the quality of the public realm and the density of development does not allow parking in side drive arrangements. These courtyard parking areas will serve only the apartments and they will not be through routes. It is known that parking courts can be a concern of the Police Designing Out Crime Officer, however these are necessary in terms of placemaking and they will be informally policed by direct entrances to the units served and will be well overlooked by windows of habitable rooms. They could also be gated if necessary as part of the Reserved Matters design.

The school field will be fenced in, to ensure safeguarding of pupils and to stop unauthorised access to the school building and external areas. It may be possible to have an open school frontage up to the main entrance to emphasise the open community function of the building but this will be resolved at the detailed architectural design as part of the Reserved Matters stage.

### Privacy and Amenity

The masterplan and 1:500 test layouts demonstrate that with a density of 40 dwellings per hectare (net) the gardens will be at least same size as house footprint. This ensures sufficient useable private amenity space and ensures that the site is not over developed.

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As indicated above, the layout is based upon the perimeter block approach with rear gardens abutting rear gardens and secured by frontages. The masterplan and 1:500 test areas indicate that separation distances of 21m back to back between rear elevations can be achieved to ensure privacy between windows and gardens, plus useable family garden areas and 12m separation between rear elevations and blank side gables can also be achieved to avoid an overbearing effect. These amenity separation distances will therefore be achieved in the detailed layouts at the Reserved Matters stage.

It is considered that there are no unacceptable amenity impacts on existing residents. The new park and retained western SINC effectively creates a buffer area against much of Garden Village and where new homes are proposed back to back with existing houses in the south eastern part of the site, these are all at least 10.5m from the boundaries to avoid overlooking of the existing gardens and to ensure at least 21m separation between windows to ensure privacy.

The site gently slopes with a level change of 33m over 700m distance from 15m AOD in the west up to 48m AOD at the high point in the east in the general location of the proposed 'village square' open space. The DAS indicated that changes in level between the homes can be taken up by sloped garden areas without the need for retaining structures or stepped buildings.

### Parking

The masterplan sets out a layout for a walkable neighbourhood including the school at the heart, and improved active travel route connections to Gorseinon High Street, that will encourage walking and cycling for short trips. Cars are an inevitable part of the development but can be accommodated in a way that is not dominant to the public realm or townscape.

As indicated earlier, the parking for the apartments will be accommodated in private parking courts that are secure and well overlooked. The parking for houses will be accommodated on plots in the form of side drives between buildings and frontage parking that is typically on one side of the street, half of the frontage and softened by planting. Visitor parking will be accommodated throughout the development on-street.

Commercial parking for the community retail units will be accommodated within the multi-functional urban square; this space will also accommodate school drop off. Staff parking for the school will be accommodated within the school site area and there is a secondary school drop off area access from the south off Swansea Road.

### Character and quality

There is not a strong existing vernacular character in the area and this development is an opportunity to create a new high quality identity.

As this is an outline planning application, there are no detailed elevations of the houses. However the DAS indicates that houses and apartments will be of traditional appearance with pitched roofs and the parameters information breaks the site up into 5 separate character areas that will be differentiated by materials and details:

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- \* The Meadows
- \* The Parkland
- \* The Heart
- \* The Woods
- \* The Common

The character area information indicates that the predominant material will be brickwork (more than one type of brick to ensure variety) which is supplemented by render, horizontal timber boarding and reconstituted stone in focal areas.

In addition to the character area information, the parameters plans also highlight 'uplift' areas to help define and emphasise the main routes and spaces. These areas include the entrance 'Boulevard', the main spine street and around key spaces where additional detail and articulation is incorporated into building frontages. This is welcomed to emphasise the key areas and these uplifts will include feature gables which reference Garden Village, projecting square bay windows to add depth and articulation to key elevations and front boundary treatments such as horizontal bar estate type railings.

With regard to the provision of public art, Policy EV5 of the UDP states that "The provision of public works of art, craft or decorative features to enhance the identity and interest of major new development or refurbishment schemes will be supported."

It is therefore considered appropriate to add a condition to the permission to require a public art strategy to be included within the development. This can include features such as decorative boundary treatment, artistic elevational treatment to gable ends, features within the school, public parks and landscaped areas etc.

The detailed design of the school will be resolved at the Reserved Matters stage.

### Sustainability

The development proposes a sustainable neighbourhood that encourages walking and cycling with a new school at its heart, strong connections to Garden Village and improved linkages to Gorseinon High Street. The site can accommodate a new through bus service. The open spaces including community orchard and connected streets are designed to encourage active and healthy lifestyles. Therefore the development has the potential to establish a 'sustainable community' that supports active lifestyles and reduces dependence on private cars.

The new homes will conform to Part L of the Building Regulations (Conservation of Heat and Power). The aim is for the new school to meet the sustainable building standard known as BREEAM Excellent (as per recent new schools in the Swansea area), with BREEAM Very Good being achieved as a minimum.

### Placemaking process

On the basis that the outline planning application covers the entire site, this allows the comprehensive placemaking approach to be set through a series of parameter plans and supporting principles to fix key aspects of the scheme whilst allowing sufficient flexibility for creativity and to respond to market forces at the Reserved Matters stage.

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The illustrative masterplan is part of the iterative process of testing and refining the scheme, and this represents one potential way of developing the site in accordance with the placemaking framework. This is a recognised approach for large scale phased developments that will be delivered over a number of years.

The parameter plans are as follows:

- \* Street Hierarchy – this sets the network of connected streets and is linked to requirements for each street type.
- \* Character areas – these set out the location of the five separate areas and is linked to text in the DAS explaining what is required to differentiate each area.
- \* Built form – this sets out the requirement for the outward facing edges and the architectural uplift areas along main routes and around key open spaces
- \* Access and movement – this compliments the street hierarchy parameter plan with an emphasis on the walking and cycling network including access points to the site
- \* Open space and play strategy – this shows the location and size of open spaces and hierarchy of play provision.
- \* Green Infrastructure plan – this shows the ecological areas with restricted public access, retained trees and retained hedges.
- \* Land uses – this defines the disposition of uses on the site, including the areas for housing development, sets the location for the new primary school building/grounds, defines the area for mixed uses which could include community retail, highlights the restricted access (ecological) open land in contrast to the accessible public open space.
- \* Public transport – this shows existing bus stops and 400m straight line walking distances and demonstrates that the site is poorly served by existing public transport, but that with a through bus route from Hospital Road to Swansea Road, via the centre and eastern area of the site, and the creation of a bus stop at the central square/school, this will serve most of site
- \* Building Heights – this indicates the heights in the number of stories in relation to the underlying topography. This requires the new school to be 2 storey and residential development to range from 2 storeys to 3.5 storeys depending on the location within site.

The Reserved Matters applications will include the detailed layout design, house type information and detailed design of the new primary school in accordance with the parameters. It is anticipated that the first phase of the development (comprising the Boulevard Area, Community retail and 350 homes) is expected to be submitted with 12 months of the approval of this outline planning application. The two subsequent phases of 260 dwellings and 140 dwellings are expected to follow based on a completion rate of 100 homes per year. The phased approach to this development allows the delivery of each area to be monitored and any issues can be addressed in design/ detailed layout of subsequent phases.

It is considered that this hybrid planning application, supported by Design and Access Statement, masterplan and parameter plans will create a robust placemaking framework for a walkable and sustainable neighbourhood that connects strongly with both Garden Village and Gorseinon High Street.

The development makes good use of a greenfield site with a density that allows retention of existing landscape features and avoids the overdevelopment of the site. The network of streets and open spaces will encourage walking and cycling.

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The co-location of the new 2.5 form entry primary school and community retail at the centre of the development will create an identifiable heart to the new neighbourhood. The large new park will benefit both new residents and the existing Garden Village community to help encourage healthy lifestyles and well-being, plus contribute to the sense of place. The houses will be standard designs but these will be uplifted in key areas and varied by character areas, to ensure a quality environment and distinct sense of place. The suite of parameter plans provide sufficient robustness to set the framework to fix the strategic aspects, such as disposition of land uses, locations of spaces, play hierarchy, building height, street hierarchy and pedestrian links, whilst allowing sufficient flexibility for the detailed design to be refined at the Reserved Matters stage.

### **Residential Amenity**

With regard to the impact upon the residential amenities of existing occupiers near to and adjoining the site, it is considered that the use of the site for predominantly residential purposes would not cause an undue harmful impact on the amenities of the existing and future residents.

The application is in a hybrid form and a Master Plan has been submitted along with a suite of Parameter plans, which indicatively show the location of the proposed new dwellings, roads, school and retail areas. As previously discussed within the Privacy and Amenity part of the Placemaking section of this report above, it is considered that given the retention of a significant area of open space between the existing residents within Garden Village and the proposed developable area within the application site, the construction of up to 750 dwellings can be accommodated on the site without harming the residential amenity of the surrounding residential dwellings. Full consideration of the impacts upon the amenities of surrounding dwelling houses with regard to overbearance, overshadowing and overlooking will be considered fully at the Reserved Matters stage.

As such the application is considered to be acceptable in that it is demonstrated that the site can be satisfactorily developed in accordance with the provisions of Policy EV1 of the Unitary Development Plan and the SPG – Places to Live: Residential Design Guide.

### **Transportation and Highway Safety**

The Head of Transportation and Engineering considers that the traffic impact of the new development can be adequately accommodated, providing that the identified improvements are made to these local highway junctions.

A Traffic Impact Assessment has been carried out which has examined the highway effects of the proposed development, and how this would impact on junctions in the area. Estimated flows for the proposed residential development have been forecast which shows a total of 786 and 746 person trips in the AM and PM peak hours respectively with a modal split of 56% using private cars. In order to facilitate the increased traffic flows generated by the proposed development, a number of junction improvement works have been identified. These are listed below, together with the amount of money that the developer would need to pay to facilitate such works.

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The proposed junction improvements are as follows:

- \* J47 (M4) – contribution to the installation of the MOVA to be made on the occupation of the first dwelling. (£100,000)
- \* A484 / B4560 Swansea interchange (Day's Roundabout) – existing roundabout enlarged, wider flare lanes and the two western approaches increased from two lanes to three lanes each. The access from Day's (eastern approach) increased from one lane to two lanes. Payment to be triggered on the occupation of the 100th residential unit (£334,688)
- \* A4240 / Hospital Road Interchange (Gorseinon Rd / Hospital Road) – the existing 2 mini-roundabouts will become one small roundabout with access to 3M (UK) becoming a priority junction. Payment to be triggered on the occupation of the 50th residential unit (£134,297)
- \* B4560 / Hospital Road Interchange (Swansea Road / Hospital Road) – the signalisation of the junction with a pedestrian phase across both Hospital Road and Swansea Road. Payment to be triggered on the occupation of the 300th residential unit (£214,453)

The improvements to the above junctions will be secured via a Section 106 (S106) agreement. The Council's Highway Officer is satisfied that the costs relating to each aspect of the works are sufficient (a 20% contingency is included within the costing to cater for any unforeseen works). The applicant has also confirmed that the requisite costs are acceptable. In the event that the works undertaken result in an 'underspend' of the costs paid by the applicant, the difference will be returned to the applicant.

Two new access points are proposed to the site:

The primary access to the site is from Hospital Road which will serve 550 dwellings, the school and the retail areas. A new roundabout is proposed to connect the access road to Hospital Road. It has been demonstrated that in principle the approved design is capable of accommodating all the traffic without detriment to the free flow of existing traffic.

A new secondary access to the site from Swansea Road which will serve 150 dwellings and the school drop off point. A new priority junction is proposed to connect this access road to Swansea Road. It has been demonstrated that in principle the approved priority junction design is capable of accommodating 20% of all the traffic without detriment to the free flow of existing traffic, nor resulting in any significant queuing.

In response to concerns raised by residents regarding the capacity of the access of Swansea Road and also to prevent 'rat-running' through the site, a barrier will be installed within the site which will only allow the bus service through-access.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development can be accommodated within the local highway network providing that the above mentioned junction improvements are implemented.



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As previously discussed within the Placemaking section of this report, the indicative layout within the submitted Master Plan and Parameter Plans show a hierarchy of streets which will be to adopted standards, consisting of a boulevard and mixed use spine streets, residential spine street, secondary streets and lanes, plus elements of shared drives / unadopted areas. Footways have been shown on the parameter plans. This approach is considered acceptable.

A number of Active Travel Routes (footpaths and cycle-ways) have been indicated on the parameter plans which will link the site to Gorseinon Town Centre and Garden Village to the new dwellings.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards.

As such, no highway objections are raised subject to the imposition of appropriate conditions and the provisions of the junction improvements via a S106 agreement, and the application is considered to be acceptable in this regard.

### **Trees**

The Arboricultural Officer has raised no objection to the application as detailed in the 'Final Comments' of the Tree Officers observations (above).

The Masterplan and the Open Space Treatment Parameter plan identify the trees and hedgerows covered by Tree Preservation Orders (TPO) which are to be largely retained. A small number of trees will be lost to accommodate the development. A significant number of new trees will be planted along the proposed new boulevard and the spine street, which will serve to mitigate for the removed trees. All new trees will be served with a Tree Preservation Order after they are planted.

A significant number of new trees and shrub planting will be added through the retained greenspace at the northern edge of the site to mitigate for loss.

An area of Ancient Woodland totalling approximately 0.67ha is located towards the northern end of the site and comprises the wooded boundaries of an abandoned field pasture forming a wooded 'hollow square' and linear spur of trees extending from its north-eastern corner in a south-easterly direction. Ancient Woodland is defined by NRW as an area that has been wooded continuously since 1st editions of the Ordnance Survey (OS) maps published in the 1830's. A small section of the Ancient Woodland measuring 118m<sup>2</sup> (1.7% of the total) will be removed towards the northern edge of the site to allow for the new access road off Hospital Road. Mitigation / compensation measures for the loss of the small amount of Ancient Woodland are proposed in the form of new woodland and shrub planting of approximately 35,145m<sup>2</sup>.

A significant number of trees are to be retained and incorporated into the layout of the new development, the full details of which will be given at reserved matters stage, and as such, there will be little pressure on the retained trees from the development. For these reasons, the development, whilst involving a reduction in existing tree cover and the loss of a small amount of Ancient Woodland, is a reasonable compromise when balancing the need for the development and the level of retained trees being provided.

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As such the application is considered to be acceptable.

### **Ecology**

The Ecology Officer and NRW have raised no objections to the application subject to conditions, and a Section 106 agreement for the future maintenance of the retained woodland and ecologically sensitive areas, as detailed within the 'Final Comments' of the Ecology Officer and NRW above.

A significant area of land within the northern section of the site and the SINC will be free from development and will be enhanced to increase the biodiversity of the area. A Management Plan for the future maintenance of the retained woodland and ecologically sensitive areas will be required as part of the S106 agreement.

The 'Further' Ecology Officer comments raised concerns regarding the proposed development of the fields marked as marshy grassland (field numbers 1, 3 and 4) within the submitted Ecology Survey, as they display habitat that is very similar to field 2 which is a designated as a SINC.

The final masterplan amendment has benefitted from the input of the Council's Ecologist to ensure that field 2 which is designated as SINC is fully retained and has habitat connectivity to the west to the wider SINC woodland area, via the open space area including the proposed SUDs drainage ponds, plus connectivity to the wider SINC woodland area to the north via the retained hedge public realm corridor between protected trees T8 and T11.

There is no ecological restriction of developing on fields 1, 3 and 4 as these do not have an ecological designation. Furthermore the northern and western extent of the adjacent low density housing area has also benefitted from the input of the Council's Ecologist to ensure that there is a substantial undeveloped buffer between the proposed houses and the SINC woodland that wraps around the north and west parts of the site, with intervening interim open space with limited public access. Therefore the extent of development and ecological protection is fully supported.

Dormice have been identified on the site, which are a European Protected Species (EPS). NRW have no objection to the development in principle provided a condition is used requiring further revised details to be included within the submitted Dormice Mitigation Strategy.

Nevertheless, where a EPS is present and the proposed development is likely to contravene the protection afforded to it, a development may only proceed under a licence (derogations from the provisions of the Habitats Directive) issued by NRW as the appropriate authority responsible for issuing licences under section 55 of the Conservation of Habitats and Species Regulations 2017.

Advice contained within PPW (section 5.5.12) states that in order to avoid developments with planning permission subsequently not being granted derogations in relation to EPS, Local Planning Authorities should take the three requirements for derogations into account when considering development proposals where a EPS is present.

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The three 'tests' are;

- i) that the development must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii) there is no satisfactory alternative; and
- iii) if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The proposed development is assessed against these three tests below;

- i) The site is designated as one of the Council's Strategic Development Areas within the deposit LDP. The site is therefore integral to the delivery of the Council's LDP strategy and will make a significant contribution to meeting the need to provide a 5 year land supply for housing. The development will provide a range of house types and affordable housing, together with a new school that will serve both new occupiers and the existing community.
- ii) The site is capable of delivering a sustainable development which provides a high number of dwellings whilst will not have an unacceptable adverse impact providing the key concepts of the proposals are adhered to. It is acknowledged that there are other strategic sites identified within the deposit LDP which could provide a development of the scale proposed. However, as all of the LDP strategic sites are collectively needed to underpin the LDP strategy, the 'transfer' of the proposed development to one of other strategic sites in order to keep the application site free of development would undermine the LDP strategy. Furthermore, it is not considered that there are any other alternative sites that could accommodate the proposed development, whilst also being deliverable.
- iii) The application contains various supporting documents relating to the impact of the proposals on the ecology of the site. It is noted that NRW and the Council's Ecology Officer have raised no objection to the proposals subject to the imposition to the conditions that will adequately mitigate and compensate for the loss of habitats relating to EPS. It is therefore considered that subject to the imposition of such conditions together with using mechanisms that will control the management of such areas, the proposals will not be detrimental impact on the maintenance of the EPS population.

As mentioned in the Tree section of this report above, Ancient Woodland is also present on the site. A small proportion of the Ancient Woodland, measuring 118m<sup>2</sup> (1.7% of the total) will be removed towards the northern edge of the site to allow for the new access road. Mitigation / compensation measures for the loss of the small amount of Ancient Woodland are proposed in the form of new woodland and shrub planting of approximately 35,145m<sup>2</sup>. This approach is considered acceptable.

### Landscape and Visual Assessment

The outline masterplan and placemaking framework is supported by a Landscape and Visual Assessment (LVIA). This informs the masterplan and assesses the effect on the wider landscape and the effect on specific public view points.

The LVIA notes that existing woodland plays a notable role in screening the majority of views to the north and east and whilst this is clearly a 'greenfield' site, its topography and vegetation result in it having a strong visual relationship with existing urban areas and less connection to wider rural locations. The LVIA explains that the existing adjacent housing, nearby commercial development and the noise from the local road network urbanise the site.

The baseline assessment also highlights that the open aspect of parts of the site creates an opportunity to integrate framed views and vistas within proposed development. It goes on to identify that the elevated parts of the site, north of Myrtle Road, rise to a height which does allow some limited visibility, over the woodland blocks to elevated areas of the landscape further afield. In particular glimpsed views of this part of the site are available from the area of Loughor Road around Heol Brynglas, from Frampton Road above Penyrheol Comprehensive School and from Heol Dewi Sant, north of Gorseinon Road. It should be noted that within these locations, views towards the site from publicly accessible (ground level) vantage points are extremely limited and views from private dwellings will typically be limited to upper floor windows.

The following LVIA recommendations have informed the masterplan preparation:

- \* Retention of woodland areas
- \* Retention of hedges and field trees and integration into layout as public realm features
- \* Creation of network of walking routes through the site
- \* Retention of streams as open water courses and public realm features
- \* Lower density on highest point – open space area and two storey housing as positive element of placemaking

The masterplan retains half the north-south depth of the site (240m of the total 500m) as undeveloped open space including woodland retention, thereby maintaining a functioning green wedge between Garden Village and the developed areas to the north.

The placemaking approach is based upon buildings being designed to be positively seen in the landscape setting. They should not be dominant and it is not appropriate to seek to hide/screen development using bunds and planting buffers. Instead, planting and open space areas are used to frame and soften the development with outward facing edges comprising well designed house frontages.

The LVIA has tested the proposed masterplan from a number of viewpoints such as:

- \* Photoviewpoints 1 and 2 – In these views from Clos Bryn Gwyn and Fford Bryn Gwyn
- \* Photoviewpoint 3 – In this view, from Loughor Road, approximately 1100m west of the site
- \* Photoviewpoint 4 – from Heol Elfed, approximately 1500m north west of the site
- \* Photoviewpoint 5 – from the access road to ASDA
- \* Photoviewpoint 6 - from the Gower Way, east of Heol Y Mynydd, approximately 780m north of the site

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- \* Photoviewpoint 7 – from this elevated vantage point at the heart of Garn Goch Common, approximately 760m east of the site
- \* Photoviewpoint 8 – from Hospital Road, approximately 185m east of the site, at the entrance to the existing electricity sub-station
- \* Photoviewpoint 9 – from the B4620, approximately 70m south of the site

Broadly, the visual effect of developing green fields for a new neighbourhood, comprising 750 houses, school and community retail units would have a high 'magnitude of change', however the sensitivity of the various receptors including view points and landscape character areas are generally low. Therefore in accordance with LVIA methodologies, this leads to a major overall effect which is considered on balance to be positive given the sensitive design process required by the placemaking framework at the Reserved Matters stage, to integrate the development into the landscape.

NRW have commented that the visual effect on the Gower AONB should have been considered in the LVIA process. However as NRW note, the edge of the AONB is some 5km distant to the south-west and the masterplan approach of using planting and open space to soften well designed buildings in the wider landscape means that the visual effect would be negligible.

Overall, the masterplan which is given certainty through the associated placemaking framework of parameter plan and principles in the DAS, is positively integrated into the landscape. The significant open space areas or heavily planted buffers separate the majority of the existing settlement from the proposed development, while pedestrian connections between the two are provided for. The significant new park which lies between the existing and new communities should provide an attractive space which further mitigates the visual effects – in the long term providing a benefit beyond that which the current 'open field' view offers – and in which the two communities can come together and integrate. Overall the visual effects elsewhere are not considered inappropriate or unacceptable, and for a site delivering 750 new homes and a school, these effects are considered minimal.

### Ground Conditions/Mining Legacy

The Coal Authority has raised no objection to the application subject to conditions.

The application site falls within the Coal Authority's defined Development High Risk Area. Within the application site and surrounding area, there are coal mining features and hazards. The Coal Authority records indicate that there are four mine entries and their resultant zones of influence within the application site. There are also coal outcrops crossing the site which may have been subject to historic unrecorded workings at shallow depths.

The planning application is supported by a Desk Study Report which concludes that there is a potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out to locate and assess the condition of the mine entries on the site and the risk posed from shallow coal mine workings. The findings of these intrusive site investigations will then inform the layout of the development, to ensure that adequate separation is provided between the mine entries and any buildings proposed. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with their adopted policy:

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The Coal Authority considers that the content and conclusions of the Desk Top Study Report are sufficient for the purposes of determining this planning application and meet the requirement of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority recommends that a planning condition is imposed, should planning permission be granted for the proposed development, requiring these intrusive site investigation works be carried out prior to the commencement of development.

### **Contaminated Land**

The Council's Pollution Control Officers and NRW raise no objections to the application subject to conditions requiring detailed measures to be undertaken in order to investigate the presence of land contamination.

A Geotechnical & Geo-environmental Appraisal Desk Top Study Report was submitted with the application, which sets out the site investigation proposals and states that more extensive investigation works are to be carried out.

As part of the conditions, the applicant will be required to submit a phases scheme, comprising three more progressively detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, and related risks, at the site.

The Phase 1 requirement has already been satisfied by the submission of the Integral Geotechnique Desk Study Report.

The Phase 2 - Detailed Investigation shall:

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

Then in the event that the need for remediation is identified, the applicant shall submit a subsequent detailed (Phase 3) report to the Local Planning Authority, which shall: Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

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

With regard to air quality, the applicant shall be required to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development; within the development and upon the surrounding local area. This will be secured via a condition.

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In the absence of any objections from the Council's Pollution Control Officer or NRW, it is considered that issues relating to contaminated land can be adequately addressed by means of appropriately worded conditions.

### **Affordable Housing**

In terms of Affordable Housing, the site has been subject to an Independent Financial Viability Appraisal (IFVA) that has been undertaken at the expense of the applicant and with the benefit of data provided by them. The appraisal has indicated that, having regard to costs and values attributed to the proposals, the site cannot deliver 30% affordable housing. The IFVA does confirm that 20% affordable housing can be delivered across the site.

The Council's Housing Enabling Officer has confirmed that 20% provision is acceptable and that a 50/50% split between Intermediate at 70% ACG and 42% ACG Social Rented is acceptable, with all houses being DQR compliant, with a mix of property sizes/types to include accommodation suitable for households requiring accessible housing, such as bungalows. It should however be noted that the proposals do not make provision for any bungalows.

The details of the layout and locations of the affordable housing units will be considered as part of the reserved matters application. The development is likely to be built out over 3 phases – the developer has agreed that 20% affordable housing will be provided within each of the three phases to avoid a lack of provision in phase one. This approach will also ensure that the affordable homes are spread throughout the development site.

The affordable housing will be secured via the Section 106 agreement.

### **Education**

As detailed in the Council's Education Officer's observations (above), the developer's contributions for primary and secondary education are proposed to be pooled, in order to deliver a new primary school building on site as indicated in the master plan.

The planning application includes the provision of a 2.5 form entry primary school which will be constructed within the first phase of the development. The Education Officer has requested that the school be completed the occupation of the 300th residential unit, i.e. it will be ready for occupation and use before the occupation of the 301st residential unit. This will be secured via the S106 agreement.

It is the preference that of the Education Officer that the developer constructs the school and then conveys the school to the Council.

However, the applicant has advised that they also want a mechanism written into the S106 agreement that will allow for the payment of a financial contribution to the Council (for the construction of the school), instead of actually constructing the school themselves.

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The Education Officer has indicated that the total sum that would be required for the construction of the school would be £9,981,415. A payment of £266,503 would be required prior to any works commencing on site, whilst the remaining balance of £9,714,912 would be required at the occupation of the 200th residential unit (to allow for time for the Council to plan and construct the school by the 300th unit.

The applicant has agreed that whichever of the two mechanisms is used, the school will be constructed and ready for use prior to the occupation of the 301st residential unit.

The Masterplan shows that the proposed school would be located centrally within the site to allow pupils from the existing settlement of Garden Village and pupils from the new development to attend. The proposed new school is welcomed and will meet the educational needs generated by the proposed dwellings.

The school will include a 'community room' for use by the wider community for meetings etc. However permission to use to the community room will be at the discretion of the school governors and therefore cannot be secured via a planning condition. Similarly, access to the school playing field and sports facilities by the local community outside of school hours will again be at the discretion of the school governors.

### Drainage

There are no objections raised to the application by statutory consultees on drainage grounds, providing conditions are used relating to discharge rates, the comprehensive integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS) and surface water removal from the local catchment area.

Dwr Cymru / Welsh Water have confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface and land water.

The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW towards all development that drains into the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), and carried out the following habitat assessment

### Burry Inlet Habitat Regulations Assessment

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site.



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Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

### Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea, as part of the LDP process has undertaken a 'Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local Development Plan. The application site (being an allocated residential site within the deposit LDP) was considered as part of this HRA.

As the proposed development has already been considered as part of this HRA (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment of the proposal.

In summary, the HRA concludes that the deposit LDP (which includes the application site as an allocated site) will not be likely to have a significant effect either alone or in combination on any of the European protected sites (Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar).

As the site is located within the Burry Inlet and Loughor Estuary catchment area, it is subject to the requirements of the Memorandum of Understanding (MOU) - between this Council, Carmarthenshire Council, NRW and Welsh Water - that surface water discharge be removed from the existing combined systems to accommodate the foul flows from the proposed development.

The applicant has submitted a document entitled 'Surface Water Removal from the Public Combined Sewers' which in principle demonstrates that surface water can be removed from the existing local sewer system to facilitate circa 555 of the new dwellings. Whilst it is accepted that the submitted Surface Water Removal document does not demonstrate that the applicant has identified sufficient compensatory surface water removal (in accordance with the MOU calculations) at this stage that relates to the entire proposed development, this matter can be adequately addressed by means of a condition.

A condition requiring the submission of full details of the surface water removal strategy for each phase of the development which delivers sufficient compensation for the foul flows from the proposed development within that phase will therefore be imposed.

### Other Possible effects on CBEEMs features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

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On this basis, there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with Regulation 61(1).

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

### **Flood Risk**

Natural Resources Wales (NRW) has confirmed that the information submitted in support of the application adequately demonstrates that all new properties are located outside the 0.1% Annual probability of flooding (APF) event and that the development will not cause an increased flood risk elsewhere.

The proposed development is therefore considered to be acceptable on such grounds.

### **Archaeology**

Glamorgan Gwent Archaeological Trust (GGAT) has assessed the submitted Archaeology and Heritage Assessment and the subsequent Mitigation Strategy for Archaeological Investigations, and has advised that the information is appropriate and acceptable. There are no designated heritage assets within the site boundary.

There are two scheduled monuments within the 500m of the site. The nearest of these to the Site is Garn Goch Round Barrow (GM199), some 270m to the north east. It was excavated in 1855 and is recorded from reported finds as being Bronze Age in date (00379), although the HER also records Neolithic cinerary urns at this location (3201; 3202).

The scheduled Mynydd Carn Goch Roman Earthworks (GM269), which comprise the remains of two practice camps on the north side of the Swansea Road – thought to be the route of a Roman road lie nearly 400m to the south east of the Site.

Cadw has advised that it does not consider that the proposed development will have an impact on these two scheduled monuments, given the separation distances involved and the existence of intervening structures and vegetation.

A further scheduled Roman Practice Camp on Stafford Common (GM502) lies some 660m to the south west, north of the A484. The scheduled monument of Melin Mynach (GM501), which comprises the 18th century remains of a paper mill, lies over 700m to the north west of the Site. Again, given the separation distances between the proposed development and these features, it is not considered that there will be an impact.

The site has been subject to an archaeological geophysical survey. The survey identified a curving anomaly within the north-west of the site which may form the southern extent of an enclosure. Discrete anomalies within the interior of the enclosure may be of interest, perhaps being due to pits. Elsewhere, parallel linear anomalies have been identified throughout the site which are probably due to post-medieval cultivation. The area of the geophysical survey was the subject of an archaeological evaluation.

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This targeted the anomalies recorded by the survey. The archaeological evaluation revealed the remains of a curvilinear enclosure ditch with Roman pottery in the upper fills and field boundaries relating to the continued use of the area for agriculture during the medieval and post medieval periods. The geophysical results indicate the potential of this enclosure to be a focus for Roman or earlier ritual activity.

As such, GGAT have recommended that a condition requiring the implementation of a programme of archaeological work is attached to any consent. The condition will require the implementation of a programme of archaeological work in accordance with that out-lined in “Land North of Garden Village Swansea (Bryngwyn Fields, Kingsbridge): Mitigation Strategy for Archaeological Investigation” (Rubicon Heritage Report no. GVSE16, dated November 2017) in order to identify and record any features of archaeological interest discovered during the works, and to mitigate the impact of the works on the archaeological resource.

The required planning condition will be imposed.

### **Japanese Knotweed**

It has been confirmed that Japanese Knotweed is present within the site. Therefore a planning condition will be used requiring that a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, which shall be implemented prior to the commencement of work on site, in the interests of the ecology and amenity of the area. In order for the condition to be discharged, the developer must then devise an appropriate and suitable method statement for the control of the plant.

### **Welsh Language**

The Welsh Language Impact Assessment indicates that at the time of the 2011 census, 17% of the residents in the Kingsbridge Ward could speak Welsh. At County level, this figure is 11.4% (19% nationally). It is anticipated that the majority of the new occupiers of the development would be drawn from throughout the City & County of Swansea and therefore it is reasonable to adopt the Swansea wide proportion of Welsh speakers (11.4%) that may be introduced into the Ward as a result of the development. Based on the census figures of the average residents per household (Swansea average = 2.3 persons per household / Kingsbridge average = 2.4 persons per household), it is anticipated that 1800 new residents would reside within the development and the number of Welsh speakers would be approximately 205.

The development is unlikely to lead to a loss in Welsh speaking households within the locality. The mix of units which has been based on local market assessment would ensure that the dwellings do not favour / discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence. Due to the nature of the scheme (predominantly residential), it is not considered that the proposals would lead to a greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. It is considered unlikely that the development would force the local Welsh speaking community to leave the area.

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The development will include the provision of Welsh language street names and signage. In this regard, Paragraph 5.1.1 of TAN 20 states that: “Signs can have a very visible impact on the character of an area, including its linguistic character. They are also one method of promoting the distinctive culture of Wales, which is of significance both to the identity of individual communities as well as the tourism industry.” It is accordingly considered that this will encourage the use of the Welsh language and will adhere to the current signage in and around Kingsbridge for consistency.

### **Beyond Bricks and Mortar Initiative**

The developer (Persimmon) have confirmed their commitment to the Beyond Bricks and Mortar Targeted Recruitment and Training programme to address opportunities arising during the construction phase of the proposals development. The programme is run by Gower College Swansea and aimed at unemployed people aged 18+. They undertake basic skills training and other appropriate work related training, followed by a job placement. Candidates can work for 16 hrs per week in the placement or in training for up to 13 weeks or more if necessary at no cost to an employer, following which they could be placed into employment for a minimum of 13 weeks or the length of the project.

### **Response to Objections**

Issues relating to the principle of development, visual amenity, residential amenity, privacy, road congestion, new road accesses, current infrastructure, preservation of ancient woodland, the natural environment, flooding, risk of pollution in the Burry Inlet, secondary and further education provision, ingress/egress to the primary school, water treatment works in Gowerton, the loss of green fields, loss of agricultural land, loss of green wedge, development contrary to the development plan, coalescence, air pollution, capacity at the road junctions, former coalmining shafts, protected wildlife and protected species, the possible lack employment, Japanese Knotweed, and Roman remains are addressed in the report above.

With regard to capacity for local doctors, chemists and dentists, the development will provide for flexible floor space circa 280m<sup>2</sup> – 370m<sup>2</sup> which include uses that fall within the A1-3 and D1 Use Class, which includes chemists, pharmacies, clinics, health centres, and consulting rooms. The developer has informed the AMBU that they will have ‘first refusal’ on the units provided within the development as and when they are constructed and available for occupation and first use.

With regard to access for emergency vehicles, the reserved matters application will detail the precise layout and road widths, which will allow sufficient access for emergency vehicles.

With regard to bus services and existing bus stops, the reserved matters application will detail the precise layout and road widths, which will allow a sufficient access route for a proposed bus service. With regard to the existing bus services, it will be up to the bus operators to determine if any existing bus service / bus stops are to be diverted / changed.

The section 106 requires a subsidy payment of £101,000 per year for the provision of a public bus service to and from the site for 2 years or up to the year following the creation of a through bus route, whichever is the sooner. The applicant has agreed to this.

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With regard to the weight restriction on the existing bridge on Swansea Road, this is to remain in situ. The Head of Transportation and Engineering considers that the restriction, which only applies to lorries which exceed 7.5 tonne, will not be adversely affected by the proposed development. Any vehicle exceeding 7.5 tonnes will have to observe the current restriction.

With regard to the Common Land that falls within the northern part of the site, this is covered by separate legislation. A Common Land Inquiry took place in September 2017. The decision on this is still awaited from the Welsh Government.

With regard to the other issues contained within the list of objections points, including issues of adverse effects on the sale/valuations of properties, these issues are not material planning considerations and so do not form reasons for refusing the planning application.

### Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable departure to the Unitary Development Plan 2008, as it will deliver both market and a high proportion of affordable homes within reasonable timescales, and therefore justifies a departure under the Council's approved Developer Guidance document.

The principle of the proposed development of the site is considered to be acceptable subject to conditions and a S106 Agreement. As the application is in a hybrid form with full planning permission only being sought for the new access road off Hospital Road, detailed consideration will be given to the secondary access, appearance, landscaping, layout and scale of the development at the reserved matters stage.

It is considered however, that the application demonstrates that the site can be satisfactorily developed in terms of impacts upon the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests.

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

### RECOMMENDATION

**REFER TO THE WELSH GOVERNMENT AS A DEPARTURE APPLICATION with a recommendation of APPROVAL subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

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### Affordable Housing

20% Affordable housing (AH) on the site; comprising 50% social rent (at 42% ACG) and 50% intermediate (at 70% ACG) and DQR compliant. The AH shall comprise a mix of 2 and 3 bedroom dwellings. The design and specification of the AH shall be of an equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters and 20% shall be delivered within each phase of the development.

### Local Highway Improvements Works

\* J47 (M4) – contribution to the installation of the MOVA to be made on the occupation of the first dwelling. (£100,000).

\* A484 / B4560 Swansea interchange (Day's Roundabout) – existing roundabout enlarged, wider flare lanes and the two western approaches increased from two lanes to three lanes each. The access from Day's (eastern approach) increased from one lane to two lanes. Payment to be triggered on the occupation of the 100th residential unit (£334,688).

\* A4240 / Hospital Road Interchange (Gorseinon Rd / Hospital Road) – the existing 2 mini-roundabouts will become one small roundabout with access to 3M (UK) becoming a priority junction. Payment to be triggered on the occupation of the 50th residential unit (£134,297).

\* B4560 / Hospital Road Interchange (Swansea Road / Hospital Road) – the signalisation of the junction with a pedestrian phase across both Hospital Road and Swansea Road. Payment to be triggered on the occupation of the 300th residential unit (£214,453).

### New School

Either;

The provision and completion of the (ready for use) 2.5 form entry school (to include fixed furniture and equipment and electrical and mechanical fit out, including ICT infrastructure) by the developer (together with the associated playing fields, external open space and boundary treatment etc) and its delivery/conveyance to the Council, together with the construction of the school drop off / pick up area and associated access road, prior to the occupation of the 301st residential unit; or

A payment of £9,981,415 to the Council for the Council to construct the 2.5 form entry school, (together with the associated playing fields, external open space and boundary treatment etc) together with the conveyance of the land required to build the school. A payment of £266,503 would be required prior to any works commencing on site, whilst the remaining balance of £9,714,912 would be required prior to the occupation of the 201st residential unit. The developer to construct the school drop off / pick up area and associated access road, prior to the occupation of the 301st residential unit.

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### Cycle Path

Contribution of £100,000 towards the extension of the existing Kingsbridge Link cycle path across Stafford Common to Gowerton Railway station, to be paid prior to the occupation of the 351st dwelling.

### Local Enhancement Works

Scheme of enhancement works for Railway Terrace (shared surface, planting and new fencing) - £197,210 to be paid prior to the occupation of the 351st dwelling.

Improvements to the existing footpath between Clos Bryngwyn and Clos Llandyfan (widening and resurfacing) £50,000 to be paid on the prior to the occupation of the 351st dwelling.

### Management Plans

Unless offered for adoption by the Council (with an appropriate commuted sum agreed with the Council's Parks Dept), the Management Plans for the future maintenance of the retained woodland and ecologically sensitive areas, proposed parks, open spaces, LEAPS, NEAPS, MUGA and SUDs ponds, to be submitted prior to the commencement of the phase of works within which the relevant area is contained.

### Bus Service

A subsidy payment of £101,000 per year for the provision of a public bus service to go through the site for 2 years, or up to the year following the creation of a through bus route, whichever is the sooner. £202,000 to be paid (following the occupation of the 75th dwelling).

### Council's Monitoring Fee

A Monitoring fee of £11,340 (based on 20% of the application fee, as the 2% fee of the overall cost of the obligation would be unreasonably and prohibitively large). The fee to be paid prior to the commencement of works on site.

### Legal Fees

The Council's legal fees of £3,000 relating to the preparation of the S106 agreement.

### CONDITIONS:

- 1 Prior to the commencement of development on site, a phasing plan relating to the proposed development and the application site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the phasing of the following:
  - a) each and every development parcel
  - b) site accesses
  - c) school and associated drop off area

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- d) bus route and public transport stops
  - e) strategic foul and surface water features and SUDS
  - f) all open spaces, community infrastructure and other publicly accessible areas.
- The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure there is a clear framework for both the progression of the development and for the submission of reserved matters applications so that the development is carried out in a comprehensive, sustainable and coherent manner.

- 2 Applications for the approval of the details of the internal access roads, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development (other than the strategic access road from Hospital Road) begins on each respective phase of development and the development shall be carried out as approved.

Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.

- 3 Any applications for approval of the reserved matters relating to the first phase of the development shall be made to the Local Planning Authority not later than 2 years from the date of this permission.

Any applications for approval of the reserved matters relating to the other phases of development shall be made to the Local Planning Authority not later than 7 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

- 4 The first phase of the development shall begin either before the expiration of 3 years from the date of this permission or before the expiration of 1 year from the date of approval of the last of the reserved matters relating to the first phase of the development to be approved, whichever is the later.

The other phases of development shall begin either before the expiry of 9 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters relating to the other phases of the development to be approved, whichever is the later.

Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

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

RL01 Rev B - Site Location Plan, received 25th July 2016.



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GA01 Rev C - Main Access Roundabout and Internal Access Road and LS01 Rev B - Internal Access Road Long And Cross Section Plan, received 8th March 2018.

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

- 6 The proposed development shall be designed in substantial accordance with the following documents.

MP02 - Masterplan, received 26th January 2018.

EPD2688/dO54B - Parameter Plan: Open Space Treatment, received 9th February 2018.

CA01 - Character Areas, PTP02 - Public Transport Plan, PPS01 - Public Open Space and Play Strategy, AMP02 - Access & Movement, BHP02 - Building Height Parameters, SH06 - Street Hierarchy, SH06.1 - Development Access Road, SH06.2 - Boulevard & Mixed Use Spine, SH06.3 - Residential Spine Street, SH06.4 - Secondary Street, SH06.5 - Lane / Mews and SH06.6 - Private Drives, received 13th Feb 2018.

BFP01 Rev A - Built Form Parameter Plan, LUP02 Rev A - Land Use Parameter, received 28th Feb 2018.

Design and Access Statement, received 7th March 2018.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.

- 7 Prior to the commencement of development (other than the proposed access road from Hospital Road) full details of the proposed access road from Swansea Road shall be submitted to and approved in writing by the Local Planning Authority. This new access road shall then be implemented in accordance with the details thereby approved.

Reason: To safeguard highway interests and ensure a satisfactory form of development.

- 8 Any reserved matters application, shall be accompanied by a detailed Design and Access Statement which explains the compliance of the submitted phase of development, with the placemaking principles of the development hereby approved.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance

- 9 Prior to the submission of any reserved matters application relating to a phase of development, a scheme of intrusive site investigations for any mine entries (within that phase) and a scheme of intrusive site investigations for any shallow coal workings (within that phase), shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Coal Authority). Both schemes of intrusive site investigations (insofar as they relate to a particular phase) shall be undertaken in accordance with the approved details thereby approved, prior to the submission of any reserved matters application relating to that phase of development.

Reason: To ensure the safety of users and the stability of the proposed development.

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10 Any reserved matters application relating to each phase of the development shall be accompanied by the following reports:

- (i) The report of findings arising from both of the intrusive site investigations required by Condition 9 (above)
- (ii) The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;
- (iii) The submission of a scheme of treatment for the mine entries for approval; and
- (iv) The submission of a scheme of remedial works for the shallow coal workings for approval

Prior to the commencement of development works on each phase, the required treatment/remedial works relating to that phase shall be implemented in accordance with the details thereby approved.

Reason: To ensure the safety and stability of the proposed development.

11 No building within a phase of development shall be occupied, until a point of connection on the public sewerage system relating to that phase of development, has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as may be identified by the hydraulic modelling assessment.

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.

12 No development works shall take place within each phase of the development (other than the strategic access road from Hospital Road) until full details of a scheme for the disposal of foul sewerage the relating to that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected.

13 No development works shall commence within each phase of the development, (other than the strategic access road from Hospital Road) until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development within that phase of development, is submitted to and approved in writing by the Local Planning Authority. The approved surface water removal strategy shall be implemented in full, prior to the occupation of any of the buildings within that phase of the development and written confirmation of this must be sent to the Local Planning Authority prior to the occupation of any of these buildings.

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

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- 14 Prior to the commencement of any development works (other than the strategic access road from Hospital Road) a strategic surface water drainage strategy for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon a SUDS hierarchy, as espoused by the CIRIA publication 'The SuDS Manual, C697'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any runoff before it leaves the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SUDS features and shall include ownership, long-term adoption, management, and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included. The approved drainage works shall be carried out in their entirety, fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding and ensure future maintenance of these.

- 15 Any reserved matters application relating to each phase of the development shall be accompanied by a detailed surface water strategy pursuant to that phase of development. The strategy shall demonstrate how the management of water within the phase of development accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that a satisfactory and sustainable means of surface water drainage is available 'upfront' to serve development individual phases, and to prevent the increased risk of flooding to third parties.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Part 1 of Schedule 2, shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface water system is not designed to accommodate.

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17 No development works within each phase of the development (including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works) shall commence until a scheme for tree protection relating to that phase of development has been submitted to and approved in writing by the Local Planning Authority. No development works or other operations within the phase of development shall take place other than in complete accordance with the approved tree protection scheme (relating to that phase of development), unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.

(c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(e) Details of any levels changes within or adjacent to protection zones;

(f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(i) Provision for the prevention of soil compaction within planting areas;

(j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(k) Provision for briefing construction personnel on compliance with the plan;

(l) Provision for signage of protection zones and precautionary areas;

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(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

(n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

- 18 Any reserved matters application relating to a phase of development, shall be accompanied by an Arboricultural Impact Assessment (and associated Arboricultural Method Statement) indicating what impacts the proposed development has on the trees within that phase of development. The submitted information shall also include the impacts of services upon retained trees and hedgerows. The development works relating to that phase of development shall be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To prevent detrimental impacts to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.

- 19 All of the trees and hedgerow shown on the Masterplan and Land Use Parameters plans (received on 26th January 2018) as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing. The location and type of fencing shall be submitted to and approved in writing by the Local Planning Authority before development commences on the phase of development to which those trees and hedgerows relate. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials (for the purposes of the development) are brought onto the phase of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from that phase of the development. 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.

- 20 Prior to the commencement of development works on each phase of the development, details of the following phases scheme shall be submitted to and approved in writing by the Local Planning Authority: the phased scheme shall comprise of three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

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

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

The reports shall be submitted individually.

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

Phase 2: Detailed Investigation

this shall:

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

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required. In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] appraisal report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

this shall:

- Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance. The remediation measures shall be implemented thereafter, prior to the occupation to any building within that phase of development.

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

- 21 Prior to the beneficial occupation of any building within a phase of development, a verification report demonstrating completion of the works within that phase of development, as set out in the approved remediation strategy required by Condition 20 and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the remediation criteria have been met. It shall include any plan [a "long term monitoring and maintenance plan"] for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

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

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

- 23 Any topsoil [natural or manufactured], or subsoil, to be imported to the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to the approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme to be agreed in writing by the Local Planning Authority before development works commence on site.

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

- 24 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme to be agreed in writing by the Local Planning Authority before development works commence on site.

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

- 25 Prior to the commencement of development on site, details of the following air quality assessment shall be submitted to and approved in writing by the Local Planning Authority: the applicant shall conduct, and provide the results of an air quality assessment of the potential impact of the proposed development, within the development site and upon the surrounding local area. The assessment should pay particular attention to the 1 hour NO<sub>2</sub> objective and NO<sub>2</sub> annual mean objective within the National Air Quality Strategy and Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002. In addition the assessment should also pay particular attention to the PM<sub>10</sub> objectives set in regulation (24 hour mean objective of 50µg/m<sup>3</sup> - 35 exceedances' and the annual mean objective of 40µg/m<sup>3</sup> to be achieved by the 31/4/2004 and maintained thereafter). Also, an indication of the particles (PM 2.5) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25µg/m<sup>3</sup> should be made

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Reason: To provide the Local Planning Authority with information relating to the impact of the development of air quality within the site and the locality.

- 26 Prior to the commencement of development works within each phase of development, a detailed scheme for the eradication of any Japanese Knotweed within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of works on that phase of development.

Reason: In the interests of the ecology and amenity of the area.

- 27 No development works within each phase of development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work relating to that phase of development, in accordance with that out-lined in "Land North of Garden Village Swansea (Bryngwyn Fields, Kingsbridge): Mitigation Strategy for Archaeological Investigation" (Rubicon Heritage Report no. GVSE16, dated November 2017), which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of works shall be fully carried out in accordance with the requirements and standards of the written scheme.

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

- 28 No development works within each phase of development shall commence, including any works of demolition, until a Construction Method Statement relating to that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period relating to that phase of development. 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 ensure that the proposed development is constructed in the interests of safety and traffic management.

- 29 No development works within each phase of the development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within that phase of development, has been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.



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

- 30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), all garages shall be solely used for the parking of vehicles and shall not be used as or converted to domestic living accommodation

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 31 Prior to the occupation/use of any of the approved dwellings, the school or any commercial units, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling. The approved Travel Plan shall be implemented upon the first occupation/use of any of the buildings hereby approved.

Reason: In the interests of promoting sustainable modes of movement.

- 32 Before each building hereby approved is occupied/brought into use, the means of enclosing the boundaries of the individual curtilage of that dwelling/building shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 33 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.

- 34 The reserved matters application relating to the phase of development within which the method of restricting the movement of vehicles (other than buses) through the site from the Hospital Road side of the site to the Swansea Road side of the site, shall be accompanied by full details of the means of restricting such vehicular access through the site. The agreed details shall be implemented prior to the occupation of the any buildings within that phase of development. The submitted scheme shall allow for pedestrian, cycle and bus accessibility.

Reason: In the interests of pedestrian and highway safety.

- 35 Any reserved matters application relating to each phase of development shall be accompanied by a scheme of public art relating to that phase of development. The approved scheme relating to each phase shall be implemented prior to the occupation of the 100th dwelling within that phase and shall be maintained in accordance with the approved details.

Reason: In the interests of creating a quality and legible built environment

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- 36 Prior to the commencement of works relating to the phase of development to which the Pen Y Frode farmstead relates, a record of the remains of Pen Y Frode farmstead shall be submitted to the Local Planning Authority. The recording levels shall be in accordance with Historic England: Understanding Historic Buildings - A Guide to Good Recording Practices 2016.

Reason: To record an undesignated heritage asset which would be destroyed by the development.

- 37 Any proposed parking areas (including driveways) within the development hereby approved shall be:
- (i) porous or permeable; or
  - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
  - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason: In the interests of sustainability.

- 38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Class B of Part 1 of Schedule 2 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 39 No buildings within each phase of the development shall be occupied until street lighting relating to that phase of development has been installed in accordance with a detailed scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a convenient and safe form of development.

- 40 Notwithstanding the details contained within the submitted Bryngwyn Fields, Kingsbridge: Ancient Woodland Mitigation Strategy (edp2688\_14a000\_080218), no development shall take place on site until a revised Ancient Woodland Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure adequate replacement planting is provided in mitigation for the loss of a section of existing ancient woodland.

- 41 Notwithstanding the submitted Dormouse Mitigation Strategy (C\_EDP2688\_13c), no development shall commence on site (including demolition, ground works, vegetation clearance) until a revised Dormouse Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall thereafter be implemented in strict accordance with the approved details.

The strategy shall include;

- i. the timing and phasing of implementation of ecological mitigation
- ii. information setting out the extent of and the spatial distribution of habitats to be lost, and those to be enhanced or created in mitigation, including appropriately scaled and annotated drawings.

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- iii. the preparation of a construction method statement to detail how protected species will be conserved during the site clearance works, including details, timing and duration of the works, action to be taken in the event a dormouse is found
- iv. the location, form and extent of 'buffers' to be retained and/or newly planted/translocated material, including measures to safeguard habitats from the proposed development. Buffers shall be a minimum of 5m wide.

Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on the existing dormouse habitat.

- 42 No development works on each phase of development shall take place (including demolition, ground works, vegetation clearance) until a Wildlife Protection Plan relating to that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved Wildlife Protection Plan shall thereafter be implemented in strict accordance with the approved details.

The Wildlife Protection Plan relating to each phase of development shall build upon the principles of Section 6.5 of the submitted report 'Bryngwyn Fields, Kingsbridge, Ecological Appraisal Report, EDP2688\_05c' (EDP, July 2016) and include the following as a minimum; -

- Risk assessment of potentially damaging construction activities. Identification of
- o "biodiversity protection zones".
  - o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (including species and habitat specific method statements\*).
  - o The location and timing of sensitive works to avoid harm to biodiversity features.
  - o The times during construction when specialist ecologists need to be present on site
  - o Details of lighting during construction phase including but not restricted to those measures detailed in section 5.9 of the submitted report 'Bryngwyn Fields, Kingsbridge, Outline Dormouse Mitigation Strategy, C\_EDP2688\_13c' (EDP, November 2017).
  - o Details of any additional survey that will be necessary prior to the start of works

\*Method statements are required for the following habitats and species identified as present or having potential to be encountered on site:

SINC habitat, Woodland (including ASNW) and scattered mature trees, Hedgerows  
Grassland, Watercourse, Dormice, Bats - particularly in relation to trees, Reptiles,  
Nesting birds, Otters, and Badger.

Reason: In the interests of protecting wildlife during the course of construction and in order to minimise the impacts of the scheme on the existing wildlife and habitats.

- 43 A Landscape and Ecological Management Plan (LEMP) relating to each phase of development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development works on that phase of development. The LEMP shall thereafter be implemented in strict accordance with the approved details.

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The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management e.g. to restore and enhance existing habitats, ensure successful establishment of new habitats etc.
- d) Appropriate management and monitoring options for achieving aims and objectives.
- e) Prescriptions for management actions to include but not be limited to; a scheme for reptile receptor enhancement and bat and bird box installation.
- f) Preparation of a work schedule and monitoring scheme (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the suitably skilled body or organization responsible for implementation of the plan.
- h) On-going monitoring, including of protected species, and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: In the interests of maintaining and managing the landscape and ecological features of the site.

- 44 Prior to the commencement of development works on each phase of development, a "Lighting Design Strategy for Biodiversity" for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a detailed plan and specify: lighting siting, type, specification, direction, height, lighting levels in lux/UV and spillage etc. The strategy shall have regard for the use of the site by all nocturnal fauna currently using the site, particularly foraging / commuting and potentially roosting bats, dormouse, hedgehogs, otter and badger and maintain dark corridors / foraging areas. Identified wildlife corridors, mitigation habitat including the wildlife crossing on the access road must not be illuminated. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority

Reason: In the interests of protecting the biodiversity of the site.

- 45 No development works relating to each phase of development shall be commenced until a Construction Environmental Management Plan (CEMP) relating to that phase of development, detailing all necessary pollution prevention measures for the construction phase of that phase of development is submitted to and approved in writing by the Local Planning Authority.

The CEMP shall identify as a minimum:

- (i) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- (ii) How each of those watercourses and pathways will be protected from site run off.

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- (iii) How the water quality of the watercourses will be monitored and recorded.
- (iv) What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- (v) storage facilities for all fuels, oils and chemicals
- (vi) construction compounds, car parks, offices, etc.
- (vii) measures for dealing with dust
- (viii) measures for dealing with any contaminated material (demolition waste or excavated waste)
- (ix) identification of any buried services, such as foul sewers, so that they are protected
- (x) details of emergency contacts, for example Natural Resources Wales' Pollution Hotline 0800807 060

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

The construction phase of the development (insofar as it relates to each phase of development) shall be implemented in accordance with the agreed CEMP at all times.

Reason: Prevention of pollution to controlled waters and the wider environment.

- 46 No development works relating to each phase of development shall be commenced until a Site Waste Management Plan (SWMP) has been produced and submitted in writing for the approval by the Local Planning Authority. The construction phase of the phase of development to which the SWMP relates, shall be implemented in accordance with the agreed SWMP at all times.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

- 47 The reserved matters application relating to the phase of development that relates to the A1-A3/D1 units and school, shall be accompanied by details of facilities for the loading and unloading of vehicles serving the A1-A3/D1 units and school buildings and a servicing management plan, which shall include hours of operation for deliveries. The development shall be implemented in accordance with the details thereby approved, and none of the A1-A3/D1 units or school buildings shall be occupied until the approved servicing / loading / unloading facilities serving them have been provided. These facilities shall be made available for such uses at all times thereafter.

Reason: To ensure that the servicing of the proposed commercial and school buildings does not interfere with the safety and free flow of traffic within the development.

- 48 Prior to the first beneficial use of any Class A3 units or the school building(s) containing the school kitchens, the equipment to control the emission of fumes and odour from each individual building, shall be installed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details/ manufacturers specification for as long as the use(s) continues.

Reason: In the interests of conserving public health and local amenity.

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- 49 Any reserved matters application relating to the phase of development that includes the school and A1-A3/D1 units, shall be accompanied by a scheme for the secure storage of bicycles. The agreed scheme shall be provided before the school and the A1-A3/D1 units are brought into beneficial use and shall be retained as approved at all times thereafter.  
Reason: In the interests of providing facilities for sustainable transport.
- 50 The Class A1-A3 and D1 units shall not be open to customers/visitors outside the hours of 07.00 to 21.00hrs Monday to Saturdays and 08.00 to 20.00hrs on Sundays.  
Reason: To protect the amenities of the occupiers of nearby residential premises.
- 51 The rating level of the noise emitted from any fixed plant and equipment to be installed on the site shall not exceed 10dB below the existing background noise level at any time, when measured in accordance with BS4142: 1997 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

### Informatives

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV5, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, EV41, EC6, EC13, HC3, HC15, HC17, HC23, HC24, AS1, AS2, AS5, AS6 and AS10
- 3 **Advisory Notes**  
The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 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.

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In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For you to obtain a quotation for the hydraulic modelling assessment, we will require a deposit of £250. This fee is non-refundable, however, if the developer wishes to proceed with the assessment the £250 will be deducted from the final modelling costs.

#### 4 Land contamination

Advisory:

[http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW\\_Guide\\_for\\_Developers\\_rev\\_2012.pdf](http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW_Guide_for_Developers_rev_2012.pdf)

Development of Land Affected by Contamination: A Guide for Developers

#### Imported soils

Advisory:

[http://www.swansea.gov.uk/media/pdf/a/2/Imported\\_Materials\\_Guidance\\_WLGA.pdf](http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf)

Requirements for the Chemical Testing of Imported Materials for Various End Uses

#### Imported Aggregates

Advisory:

[http://www.swansea.gov.uk/media/pdf/a/2/Imported\\_Materials\\_Guidance\\_WLGA.pdf](http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf)

Requirements for the Chemical Testing of Imported Materials for Various End Uses

#### Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

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

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

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

#### Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

#### Dust Control

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

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

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

### Lighting

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

### 5 Wales and West Utilities - Informative:

Our apparatus may be at risk during construction works. We require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

You are advised to note the GENERAL CONDITIONS TO BE OBSERVED FOR THE PROTECTION OF APPARATUS AND THE PREVENTION OF DISRUPTION TO GAS SUPPLIES information appended to the Wales and West Utilities letter dated 10th April 2017 via the following

<https://property.swansea.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZZRJEVXB472>

### 6 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

### 7 Highway Advisory notes

Parking for all uses will need to be provided in accordance with the CCS Parking Standards.

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 , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Retaining Walls - Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height. Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.



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Future maintenance - The applicant is advised that to discharge the condition relating to the maintenance and management of streets, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- 8 Informative - Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 9 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 10 **Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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# Agenda Item 6



## Report of the Head of Planning and City Regeneration

To

Planning Committee – 3 April 2018

### Approval Of Draft Mumbles Conservation Area Review For Public And Stakeholder Consultation

<b>Purpose:</b>	This report provides an overview of the draft Mumbles Conservation Area Review and seeks authorisation to undertake public and stakeholder consultation.
<b>Policy Framework:</b>	City and County of Swansea Unitary Development Plan (Adopted November 2008). The final Mumbles Conservation Area Review document to be adopted to the Local Development Plan (LDP) expected to be the approved plan by Autumn 2018.
<b>Reason for Decision:</b>	To approve the draft conservation area review documents (Appendix A) as the basis for public and stakeholder consultation.
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	<ol style="list-style-type: none"><li>1) That the draft Mumbles Conservation Area Review document is approved for public and stakeholder consultation;</li><li>2) A schedule of responses to the representations received is reported back to Planning Committee for consideration and final approval as SPG.</li></ol>
<b>Report Author:</b>	Krystyna Williams, Design & Conservation Officer
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Jonathan Wills
<b>Access to Services:</b>	Ann Williams

## **1.0 Introduction**

- 1.1 This report seeks authority to undertake a 6 week public and stakeholder consultation exercise on the draft Mumbles Conservation Area Review. A copy of the draft document is attached as Appendix A.
- 1.2 Once the consultation process is concluded, a schedule of responses to all representations received will be reported to this Committee for consideration, along with an amended version of the guidance document.

## **2.0 Background and Legislative/ Policy Context**

- 2.1 Conservation Areas are designated by the Local Planning Authority under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The principal considerations are the architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
- 2.2 Designation as a Conservation Area does not mean that no change can occur or that only traditional designs are allowed, rather that there is a greater level of design and development control linked to policy EV9 of the City and County of Swansea Unitary Development Plan (and policies HC1 and HC2 of the emerging Swansea LDP) and the main consideration is whether any change 'preserves or enhances' the character of the conservation area.
- 2.3 In order to be effective a Conservation Area Appraisal needs to comprise:
  1. A 'Character Appraisal' which is an up to date record of the character of buildings and spaces including positive and negative features.
  2. A 'Management Plan' which indicates how the character of the area will be preserved and enhanced by a variety of means including Development Control, management of the public realm and spaces, plus possible environmental enhancements.
- 2.4 The City and County of Swansea has 31 Conservation Areas in a variety of rural and urban locations. Whilst the legislation sets out a duty to review the Conservation Areas from 'time to time', this has not occurred and as a result the only published information available are informal notes which comprise boundary plans and a very limited description of the area (often less than a single side of text). As a result there is a lack of up to date information on the character and appearance of the Conservation Areas to guide those preparing and assessing development proposals in these sensitive and historic areas.
- 2.5 The Ffynone and Uplands Conservation Area Review and Morrision Conservation Area Review have been completed with the documents being completed and adopted in 2013 and 2017 respectively.
- 2.6 The Mumbles Conservation Area Review has been prepared to provide an up to date assessment of the character and issues affecting the designated

Mumbles Conservation Area. It will be used to help assess and determine planning applications in this area and may allow for the commencement of the process of introducing Article 4 Directions to provide greater control of various permitted development rights for selected properties.

### **3.0 Mumbles Conservation Area**

3.1 Mumbles Conservation Area was first designated in 1969. Since this time the area has never been reviewed or updated.

3.2 The Draft Mumbles Conservation Area Review (attached as Appendix A) seeks to:

- Define the special interest of the area and identify the issues which threaten its special qualities; and
- Provide guidelines to prevent harm and achieve the enhancement of the area.

3.3 The review briefly sets out the historical development of the area. Mumbles has a long and rich history with evidence as far back as the Romans having a villa on the site of All Saints Church. Medieval Mumbles was a village based on fishing, focused around the narrow streets and cottages called 'slades' that led steeping up Mumbles Hill. Notably, the opening of the Swansea to Mumbles railway in 1804 brought further changes to the village, with the first regular horse drawn rail passenger service in the world introduced in 1807 when the area began to develop as a tourist resort.

3.4 The review explains the townscape and built form of the conservation area including listed buildings, buildings of local character and special heritage characteristics. The review identifies the following positive issues and assets:

- Overall Character and Setting of the Conservation Area with clusters around the seafront with Swansea Bay and the wooded headland forming strong visual boundaries to the historic settlement;
- Variety of historic townscape including the contrasting built heritage qualities of the Character Areas from the three storey seafront streetscape to the predominantly two storey area of terraces and the Newton Road shopping area;
- Individual building and structures of particular heritage merit and/or locational impact which enlivens the streetscape with focal buildings;
- Significant townscape groups of buildings including Victorian and Edwardian terraces of commercial and residential buildings that combine to create an attractive variety of scale and design; and
- Long distance views from the Conservation Area to the coastal setting.

3.5 The review also identifies 7 distinct character areas within the existing conservation area:

- Seafront

- Newton Road
  - Queen's Road and terraces
  - Overland Road
  - Village Lane / Thistleboon Road
  - Castle Grounds and Castle Avenue
  - Wooded hill slopes.
- 3.6 The proposed division into character areas as shown in Section 5 of Appendix A makes it easier to differentiate between distinct parts of the conservation area and will make it easier to manage change.
- 3.7 The management plan which forms part of the Conservation Area Review document sets out key issues and opportunities to preserve or enhance the special character. A key action is the review of the conservation area boundary and it is suggested that significant adjustments should be made to take into account the historic value and interest of areas with potential for conservation.
- 3.8 The areas listed below are considered to have a quality and historic interest commensurate with areas already within the Conservation area. The extent of the current conservation area boundary and the proposed enlarged boundary to the Mumbles Conservation Area to include the areas listed below are set out in Section 4 of Appendix A:
- **Oystermouth Castle area:** The grade II listed Castle, associated grounds and Castle Avenue;
  - **Newton Road area:** From Mumbles Road at the bottom of the hill up to the junction with Castle Avenue;
  - **The residential terraces area:** The planned grid layout of terraces either side of Newton Road;
  - **Overland Road:** The steeper slopes of Mumbles Hill with wooded hill slopes as the backdrop; and
  - **Mumbles Road near the junction with Newton Road:** The area between the current conservation area boundary and the Newton Road junction.
- 3.9 The principle of adding the above areas to the existing conservation area will be a key question during the public and stakeholder consultation. The implications of expanding the Conservation Area to include the above areas are principally a greater level of design and development control to assess whether proposals preserve or enhance the area, as explained in paragraph 2.2. It should be noted that designation of the additional areas listed above will not stop change.
- 3.10 Other recommendations of the management plan include:
- Enhancement of existing buildings. Residents and owners should be encouraged to repair original elements in preference to replacement.
  - Management framework for the public realm. Whilst no enhancement funding is allocated, the draft management plan

identifies that improvements to the public realm can make a significant contribution to the appearance and use of the conservation area by creating high quality attractive streetscape and improved open space. The Council is undertaking further design and feasibility work on a new Coastal Protection scheme which will improve the standard of flood risk protection but also enhance the promenade to create a more sustainable and attractive seafront with regeneration and recreation benefits.

- Preservation / Improvement of key sites. For example, encouraging investment to reuse the historic building stock, improvements to shopfronts and signage, and traffic and parking appraisals.
- Local Listing in the Conservation Area for buildings of local historic or architectural value, group value or visual interest.
- Community involvement. There is scope for further engagement with the community in caring for the local built environment through voluntary projects and conservation education and training.

#### **4.0 Consultation**

- 4.1 The conservation area review will be subject to public and stakeholder consultation period lasting at least 6 weeks in order to grant the document status as supplementary planning guidance. The legislation requires that this includes a public meeting. The consultation will allow Ward Councillors, members of the public, stakeholders and other interested parties to comment on the draft conservation area review.
- 4.2 The public and stakeholder consultation process will make use of a variety of consultation methods to raise awareness and maximise accessibility of the process. This will include direct emails, posting on the Council web page, publication of press notices, articles/adverts in the local media, posters on local notice boards, and targeted consultation of specific national and local organisations. The public meeting will be organised in an accessible venue within Mumbles conservation area and will be timed to maximise attendance.
- 4.3 The draft conservation area review document will be available for download from the Council website. Printed copies and copies in alternative formats will be available on request. All information will also be readily available at the Civic Centre and Mumbles library. There is also potential to use social media to broaden the scope of the consultation.
- 4.4 All comments received will be recorded, evaluated and incorporated into the draft documents where considered appropriate. A summary of the consultation will be incorporated into the final SPG documents once adopted and a full detailed schedule of representations will be made available on request.

#### **5.0 Financial Implications**

- 5.1 There are no financial implications arising from the publication of this SPG, as the cost of the public consultation process can be accommodated within

existing budgets and staff resources. The consultation will, as far as possible, utilise electronic means of publicity and distribution.

- 5.2 The increase in size of the conservation area will result in greater scrutiny of planning applications that currently lie outside the area to ensure that they preserve or enhance the special character of the conservation area. Whilst this will result in an increase in the workload of the development control service and the Design and Conservation Team, it is essential to properly manage the area. Any additional workload will be met from the existing team structures and budget.

## **6.0 Legal Implications**

- 6.1 The designation and proposed enlargement of the Mumbles Conservation Area will need to comply with national legislation set out in the Planning (Listed Building and Conservation Areas) Act 1990. The draft Mumbles Conservation Area Review document will be consulted upon against the adopted Unitary Development Plan (2008), but it is anticipated that the final Mumbles Conservation Area Review document will be adopted as SPG to the Local Development Plan which is expected to be the approved plan by Autumn 2018. The SPG will need to be taken into account as a material consideration in evaluating future planning applications.

- 6.2 The weight that can be attributed to the draft SPG for the purpose of determining a planning application increases as the adoption process progresses. Significant weight will be attributed to the final adopted version of the SPG.

- 6.3 Once the conservation area review process has been concluded, then there is scope to protect the special character of important unlisted buildings identified in the Appraisals by means of an Article 4(2) Direction under the General Permitted Development Order. This removes permitted development rights for certain changes which do not currently require Planning Permission such as removal of front boundaries, changing windows, chimneys etc which may undermine the special historic character of the conservation area. This allows potentially harmful changes to be considered as planning applications on a case by case basis. This is a separate and often lengthy and complex process involves an application to the Welsh Government for the removal of permitted development rights and starts with an endorsement by this committee. Prior to any such application the issue will be discussed with the Cabinet Members, the Ward Councillors and would be subject to further community and stakeholder consultation. Further legal implications including compensation issues would then need to be addressed.

## **7.0 Equalities and Engagement Implications:**

- 7.1 An EIA screening has been undertaken to assess whether a full EIA is required. It should be noted that the conservation area review provides a heritage framework for managing change and future projects:

- Where changes are proposed within commercial buildings these will also be subject to national requirements such as Part M of the Building regulations and the Equality Impact Assessment process.
- The potential public realm strategy for the promenade is a separate project that will be subject to a separate EIA screening and will require further consultation and engagement.

**Background Papers:**

None

**Appendices:**

Appendix A: Draft Mumbles Conservation Area Review



# Appendix A

## Mumbles

### Conservation Area Review

April 2018 (Draft for Public Consultation)



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## SUMMARY OF THE CONSERVATION AREA

The aim of this Character Appraisal and Management Plan is to assist the City & County of Swansea to ensure the protection and enhancement of the built heritage of the Conservation Area – the historic seaside town of Mumbles, while enabling the public to recognise both the benefits of living, working and visiting the Conservation Area and their own responsibilities for its future protection.

The current Mumbles Conservation Area includes most of the seafront areas below the high escarpment of wooded limestone cliffs, the original village streets climbing the slopes, and the wooded backdrop to the attractive coastal settlement. This Appraisal recommends the expansion of this area northwards to include the Newton Road shopping centre, the grid of Victorian terrace houses and Oystermouth castle and its grounds.

The history of Mumbles predates the Norman castle, the growth of the oyster trade, the arrival of the first regular passenger train service in the world and its development as a tourist resort. The twenty first century settlement has retained many of these past

qualities and can benefit from the protection and regeneration of the heritage potential.

Distinctive Character Areas have been identified within the proposed expanded Mumbles Conservation Area, each with a valuable heritage townscape that needs to be protected and enhanced. Some damage to these areas has occurred through insensitive new developments and inappropriate replacement materials on heritage buildings. Although these unfortunate changes have had a detrimental impact on some of the townscapes, there are still significant and important areas of heritage quality that are worthy of retention to enhance the village character.

Management and enhancement proposals have been prepared to include: policy guidance and design principles; management and control recommendations including the review of the Conservation Area boundary; identification of potential historic assets of local importance, design guidance, recommendations for a potential Article 4 Direction for the Conservation Area; and the involvement of the community.



# 1.0 BACKGROUND

1.1 The Mumbles Conservation Area was designated in 1969 and since this time no amendments have been made to the original boundary.

1.2 This Conservation Area Appraisal and Management Plan has reconsidered the boundaries and proposes that significant adjustments should be made to take account of the historic value and interest of areas with potential for conservation to the north of the current boundary including Oystermouth Castle – see section 4.

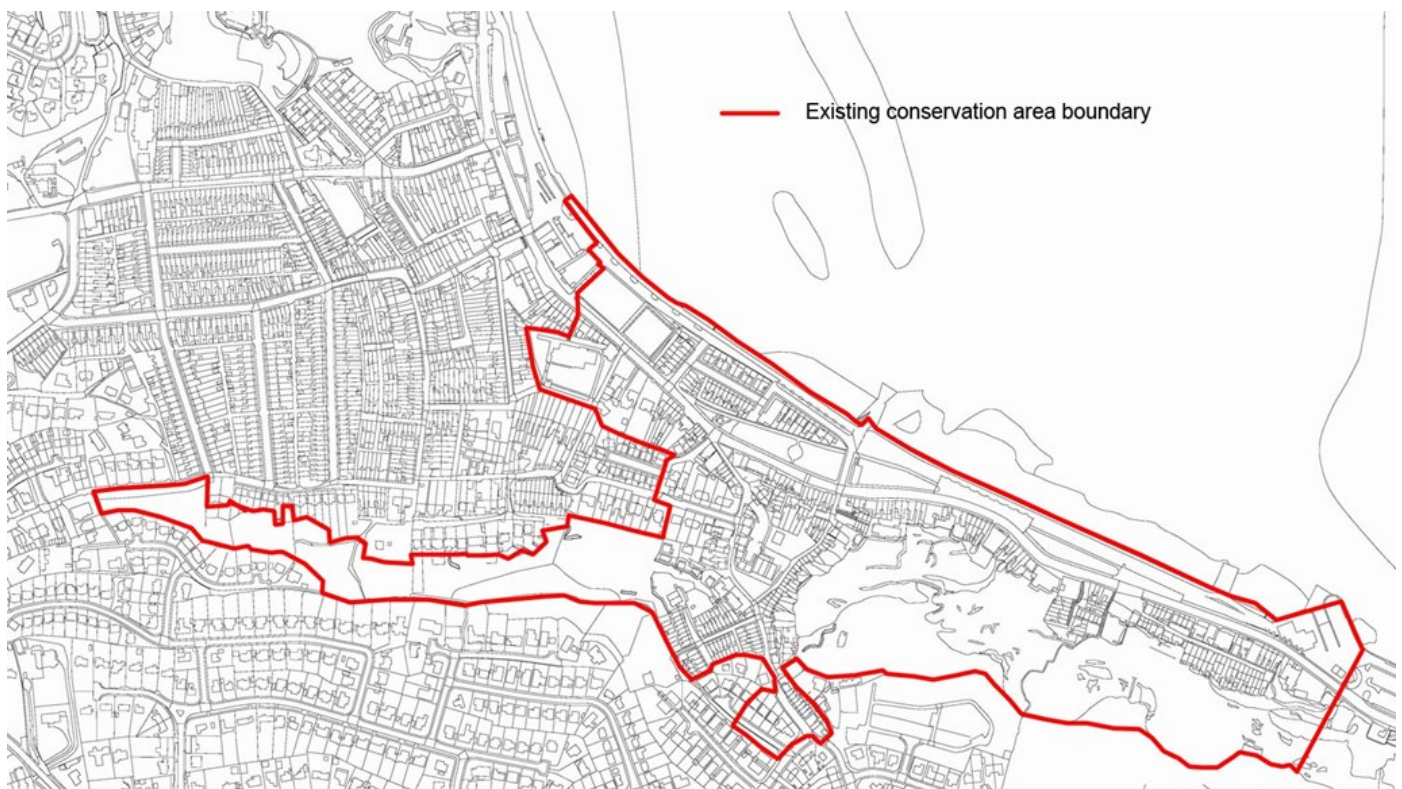
## Statutory background

1.3 Conservation Areas were introduced by the Civic Amenities Act 1967 and are defined as “Areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance”.

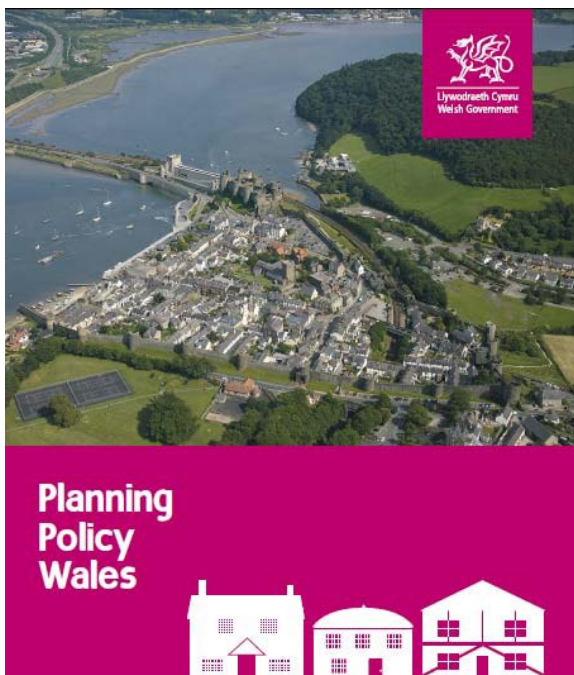
1.3.1 Conservation Area designation is more dependent on the overall quality and interest of an area, rather than individual buildings, although it is common for such areas to contain a number of Listed Buildings.

1.3.2 Conservation Areas are designated by the Local Planning Authority under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The principal considerations are the architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Planning consent must be gained for certain types of development within Conservation Areas which are elsewhere classified as permitted development, such as various types of cladding, dormer windows, satellite dishes and radio masts/antennae. The demolition of any structure over 115 cubic metres requires Conservation Area Consent and the proposed demolition of any unlisted buildings considered to have a ‘positive’ impact upon the Conservation Area will be resisted. Designation also brings controls over works to trees.

1.3.3 Planning authorities need to publish proposals for the preservation and enhancement of conservation areas that include character appraisals and strategies for the future. Residents must be consulted over the designation of areas and the definition of their boundaries and proposals for the management of a conservation area should be submitted to a public meeting, in connection with wider consultation.



1.3.4 Section 6 of TAN 24: The Historic Environment stresses the duty on local planning authorities to review their conservation areas from time to time and to decide whether they need to designate further areas. TAN24 stresses quality of place as the 'prime consideration' in identifying conservation areas and explains that this depends on much more than individual buildings, It implies that an holistic approach is taken to the analysis of character and the significance of townscape features.



Technical Advice Note 24:  
The Historic Environment  
May 2017

1.3.5 Technical Advice Note 12 (2016) is also relevant in that it offers advice on the promotion of good design in the historic environment and in areas of special character. It identifies a number of factors that should be considered in context appraisals which are amongst those that a character appraisal of a conservation area should take into account (paragraph 5.6.2).

1.3.6 Advice on the appraisal of conservation areas and on designation and management issues has been published by Historic England (Conservation Area Designation, Appraisal and Management, February 2016).

## Planning Policy Framework

1.4 The Swansea UDP 2008-16, contains the authority's general policy for the management of conservation areas. Policy EV9 (Conservation Areas) states:

Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to:

- i. Important views, vistas, street scenes, roofscapes, trees, open spaces, and other features that contribute to the character or appearance of the conservation area,
- ii. The retention of historically significant boundaries or other elements that contribute to the established pattern of development,
- iii. The relationship to existing buildings and spaces, and pattern of development,
- iv. Scale, height and massing,
- v. Architectural design, established detailing, and the use of materials,
- vi. Boundary treatment, and
- vii. Public realm materials.

1.4.1 The amplification of the policy inter alia requires detailed plans and drawings to be submitted for new development in its setting; and sets out an expectation that the highways authority and statutory undertakers use appropriate highways mark up, signs and structures to preserve or enhance the character or appearance of conservation areas.

## Planning policy framework (cont.)

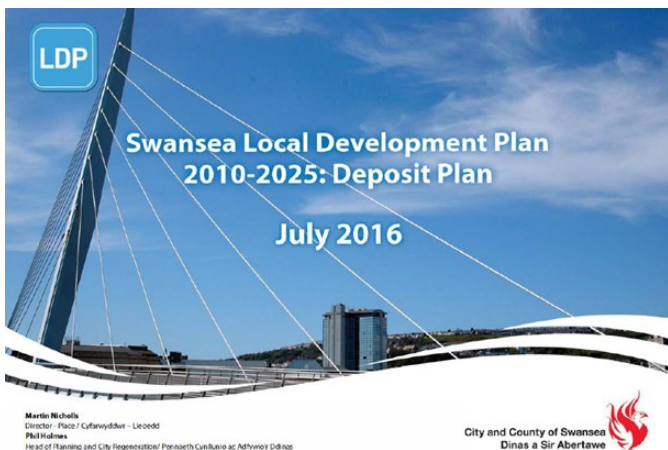
1.4.2 Policy EV10 (Demolition of Unlisted Buildings in Conservation Areas) states that demolition of unlisted buildings that make a positive contribution to the character and appearance of a conservation areas will not be granted unless it can be demonstrated that the condition of the building does not justify the cost of repair; efforts have been made to find a viable use; redevelopment would produce substantial community benefits outweighing the loss; and that there are acceptable and detailed redevelopment plans.

1.4.3 Amongst other policies, EV13 (Shopfronts) and EV14 (Advertisements) are also relevant locally in requiring design appropriate to their context.

1.4.4 The emerging draft Swansea Local Development Plan, 2010-2025 (LDP) has recently gone through the examination phase. This document sets out a number of policies in relation to development within conservation areas. These include PS1 (Sustainable Places) and Policy PS2 (Placemaking and Place Management) states that development proposals must enhance the quality of places and contribute to a sense of place. Note that this document will be adopted to supplement the policies of the Local Development Plan (LDP).

1.4.5 Policy HC1 (Historic and Cultural Environment) highlights the need to safeguard features of historical and cultural importance as well as supporting appropriate heritage and cultural led regeneration.

1.4.5 Policy HC2 (Preservation or Enhancement of Buildings and Features) sets out measures for the preservation and enhancement of heritage assets and the need for a high standard of design for new development which pays regard to the local context.



# 2.0 LOCATION & SETTING

## Location and Context

2.1 Mumbles is located at the southern end of Swansea Bay, under a high escarpment of limestone cliffs, six miles south-west of Swansea on the edge of the Gower peninsula. The main road link is the coastal A4067 Mumbles Road from the centre of Swansea.

2.1.1 The Conservation Area includes the built-up coastal strip below the cliffs and the rising bowl of land either side of the Newton Road where a significant area of terraced housing denies the contours.

2.1.2 Housing on the steeper slopes includes the earliest built-up roads which climb directly up the escarpment and the sites above Overland Road which follow the contours.

2.1.3 Mumbles is part of the Oystermouth Electoral Ward and currently has a population of over 4,300. Comparable areas had populations of nearly 1,500 in 1851 and over 4,100 in 1891. There have been significant changes in the local economy over this period with even the employment in tourism reducing dramatically and now many people work in Swansea which has increased transport requirements.



Map of Swansea Bay

## Landscape setting

2.2 Mumbles Conservation Area has a dramatic landscape setting at a gateway to the Gower peninsula which has determined its history and defined its settlement pattern. The coastal setting along a shallow beach at the southern end of Swansea Bay with long distance views to Swansea, the high limestone escarpment that ends at Mumbles Head and its islands, and the thick belt of mature trees that follows the steep and higher open land, have all provided a strong context and setting for Mumbles and its Conservation Area.



View across Swansea Bay of the settlement following the seafront with Oystermouth castle set on higher land. The setting for Mumbles is defined by the sea and the tree belts along the higher land.

2.2.1 To the south of the Conservation Area, the steep cliffs are close to the seafront and the pattern of development follows the coast, benefiting from the dramatic bay views. Previously the steep cliffs were quarried to provide local building stone which was transported by the Mumbles Tramway.

2.2.2 Further north the escarpment is more shallow and a wider belt of development which follows the contours around the hillside is achieved. To the south of the Oystermouth Castle hill is a broad bowl of land, which though it rises significantly, was fully developed in Victorian and Edwardian times with a wide grid of residential terraces and Newton Road, the main shopping street, following the lowest line uphill.

2.2.3 Although the well treed cliff face and hill tops create the impression of significant landscaped open space, within the developed urban area there are few notable green areas.

- The promenade strip along the sea wall has different types of use and landscaping. From car parking, boat parking, public fenced grassed areas, private outdoor sports areas and a range of hard surfaces and other uses. Selected mature trees add to the qualities of this seafront area. The majority of the green spaces are owned and maintained by the Council.
- The hill around Oystermouth Castle provides an attractive grassed area surrounded by a thick belt of trees – except where this important setting is used for three areas of allotments. The largest of the allotments is located to the south west of the castle, reaching up to the castle walls. The two smaller allotment areas are screened by the surrounding tree belt.
- Just outside the Conservation Area boundary, on Newton Road, is the large Underhill Park – a flat area of sports pitches bordered by trees which provides an important open space setting and outdoor facility for the Conservation Area residents.

2.2.4 Within the rest of urban Mumbles there are few open spaces, except for the churchyard around All Saints. The public realm is primarily hard surfaces which display a mixture of materials and signage which need rationalisation and more sensitive solutions to benefit their heritage locations.





The steep treed cliffs limit the extent of seafront buildings which overlook the public open space gardens along this part of the promenade, and across Swansea Bay.



Aerial view of the castle showing its grassed hill setting, the screening belts of trees and the allotments site.

## 3.0 HISTORIC DEVELOPMENT

### Origins and historic development of the settlement

3.1 Mumbles has a long and rich history. The submerged foreshore is known to have been covered by an ancient forest as bones of prehistoric animals and mammoths have been found. There is evidence that 30,000 years ago there was nearby human habitation with the finding of the Paviland skeleton, and the first crop growers settled 5,000 years ago. Flint axes have been found as have bronze age artefacts and remains of an Iron Age fort. Remnants of a tessellated pavement show that the Romans had a villa on the site of All Saints church. The Romans were known to be keen on the local oysters and after they left in the C5 – 6<sup>th</sup>, Mumbles remained as a small fishing community.

3.1.1 The Normans arrived in the C11th and first built a timber ringwork and bailey castle at Oystermouth. Following being burnt down in 1116 by Welsh armies it was rebuilt in stone with C12th keep, a freestanding rectangular building with its great hall on the first floor. Another destruction in 1215 led to de Braoses rebuilding the larger castle in stone with most of buildings still seen today, except the chapel block added in the early C14th. Edward I visited the castle in 1284 but by 1331, the Lords of Gower lived elsewhere and a gradual decline set in. By the C16th, the castle was in ruins.

3.1.2 A church on the site of All Saints was first described in 1141, though it is thought to be the location of an earlier place of worship. In the C13th the Normans built a stone church with the western tower – a defensive location for the villagers, the Lady's Chapel and south aisle, all still standing today. Because of the increasing population, a northern extension was built in 1860 and linked by an open arcade. The arcade remains, but the rest of the extension was demolished in 1915 for a new church building. Though most was completed, the war and the interwar depression resulted in it not being finished until 1937.

3.1.3 The medieval village life was based on fishing and was focused around the narrow streets of cottages called 'slades' that led steeply up Mumbles Hill. A description of Mumbles and Oystermouth in 1690 listed employment in limestone quarries, farms, a colliery in Clyne Valley and oyster fishing. In 1773 Mumbles lighthouse was built on the outer island, which in 1995 was converted to solar power. By the 1800's there were over 170 oyster dredging boats harvesting over 10 million oysters a year. Trade went from strength to strength and from 1850 to 1873, 560 men were employed with oysters exported throughout Britain. In Victorian times an Oyster Fair introduced the fishing season – September to May. A slump followed and the industry was finished by a virus in 1920.

3.1.4 The opening of the Swansea to Mumbles railway in 1804 brought further changes to the village. In 1806 goods wagons pulled by horses carried a main cargo of limestone. Then in 1807 the first regular horse drawn rail passenger service in the world was introduced as Mumbles began to develop as a tourist resort. Visitor numbers gradually increased with some of the tourists arriving by steamer from Ilfracombe. Steam trains replaced the horses, and later, In 1898 the rail line was extended to the islands and a pier was opened. In 1916 a RNLI slipway was added to the pier with a boathouse in 1922. The rail service lasted until 1959 when it was closed and the route dismantled.



Mumbles horse drawn tramway 1870



Mumbles steam train 1877

3.1.5 Mumbles grew into a significant settlement during the Victorian years. Its unique location, its transport links and the growth of tourism led to a significant growth of the urban area. Oystermouth Urban District was established in 1894 and this later merged with the County Borough of Swansea in 1918. Oystermouth Board School opened on the Newton Road in 1878.

3.1.6 The increasing visitor numbers led to additional places of entertainment. A popular dancehall was built at the pierhead though this was replaced by an amusement complex in 1966 after the rail line had closed.

3.1.7 The New Cinema and the Regent Cinema were built on Newton Road in 1927 and 1929 and the 'Mumbles Mile' became famous for the concentration of public houses along the seafront. Visitor numbers began to decline in the 1990's and of the twenty inns on the 'Mile' only a handful now remain.

3.1.8 Mumbles was already an established settlement before the first OS map of 1876—1881. Houses along the seafront, on a cluster of roads around All Saints church, and the fisherman's houses on the lanes or 'slades' climbing Mumbles Hill (Village Lane, Western Lane and Thistleboon Road) were the oldest parts of the village.

3.1.9 The 1876-1881 OS map identifies the expansion after the mid-century population growth with:

- The seafront fully developed from Newton Road along to the George Hotel;
- The terraces inland behind the Dunns;
- The first terrace on Newton Road near the Castle; and
- The rail line to Swansea.



First Ordnance Survey map 1876 – 1881



An 1850s etching of Mumbles village, Mumbles Hill and the lighthouse on the distant island

3.1.10 The 1899 – 1907 OS map identifies the expansion at the turn of the century. Continuing population growth led to increasing demand for housing and supporting commercial and service facilities, and the importance of tourism is reflected in further facilities and redevelopment:

- Seafront terraces have been redeveloped to provide improved accommodation and visitor facilities;
- A significant expansion of the terraces between Queens Road and Overland Road;
- New development along Newton Road including places of worship; and
- The extension of the rail line to the pier and islands.



View over Mumbles 1900 from the castle showing the rail line to the pier, the recent urban expansion and the surprising lack of trees on Mumbles Hill



Newton Road 1920's

3.1.11 The 1914–1919 OS map identifies the continuing growth of Mumbles during the pre-war years. Housing developments of terraces increased in the Queens Road and Newton Road area and further redevelopment occurred along the seafront:

- Additional seafront terraces have been redeveloped;
- Further expansion of the terraces between Newton Road and Overland Road;
- Newton Road is almost completely built-up, except for areas of the north side; and
- The map shows evidence of the wooded areas expanding along the steep slopes of Mumbles Hill.



Ordnance Survey map 1914 – 1919

## Archaeological significance

3.2 Significant archaeological finds have been made throughout the Mumbles area. Artefacts and remains from prehistoric animals, the earliest human habitation, the Iron and Bronze ages and Roman occupation have been found. The Norman castle and church identify the potential for examples of the mediaeval settlement, and there is the likelihood of further interest from the period of growth and change during the C18th.

3.2.1 Swansea Council is required to take archaeology into consideration as a material consideration when determining a planning application. Information on all known archaeological sites and finds in and around Mumbles is included in the County Sites and Monuments Record (SMR). The Oystermouth area is defined in the UDP as an Archaeologically Sensitive Area.

3.2.3 Planning Policy Wales (Edition 9, 2016) identifies the key issues and policies related to Archaeology in Section 6: The Historic Environment and particularly 6.5 'Development Management and the Historic Environment'. This guidance is supplemented by TAN 24: The Historic Environment.

3.2.4 The key considerations are that appropriate management is essential to ensure that the assets survive in good condition and where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation. However there may also be hidden archaeological potential which could assist the understanding of the early urbanisation and development of this area.

3.2.5 Where a proposed development is likely to disturb the ground within the Conservation Area and could affect archaeology, Swansea Council will require further information before determining a planning application. This may be required in the form of a desk based study or an archaeological evaluation. In order to protect the archaeological remains it is sometimes necessary to modify proposals or carry out an excavation before development takes place.



View of the castle and Castle Road 1900

# 4.0 CONSERVATION AREA BOUNDARY ASSESSMENT

## Proposed Boundary Amendments

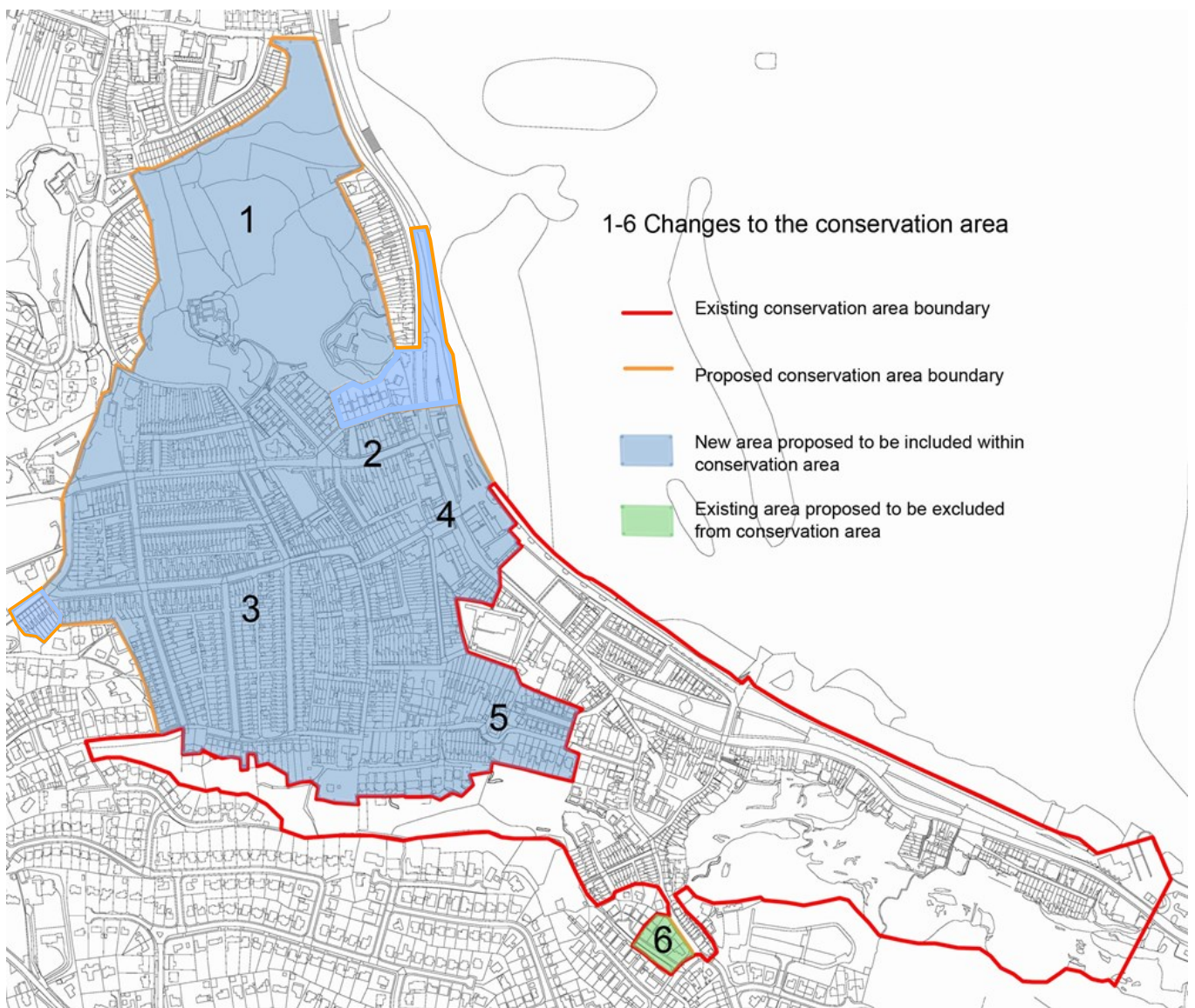
4.1 The Mumbles Conservation Area was designated in 1969. Although there have been a number of considerations to extend this boundary between 1987 and 1991, the original boundary remains.

4.1.2 This Conservation Area Review has reconsidered the boundaries and proposes that significant adjustments should be made to take account of the historic value and interest of areas with potential for conservation to the north of the current boundary including Oystermouth Castle.

4.1.3 The diagram below identifies the potential areas for change to the 1969 boundary and the reasoning is discussed

below with areas 1, 2, 3, 4 & 5 identified as proposed additions and the small area 6 recommended for omission.

4.1.4 No boundary changes are proposed for the cliff faces as it is important to emphasise the inclusion of the steep wooded hillsides that overlook the built Conservation Area and create a strong edge and setting for the historic townscapes. Further extensions to the woodlands to the west of the Castle, the top of Mumbles Hill and to Mumbles Pier have not been included as they do not relate directly with the built heritage of the town.



Current and Potential Conservation Area boundaries showing added and removed areas  
Page 222

## Boundary Amendments cont.

### 1. Oystermouth Castle Area

Oystermouth Castle is Listed Grade I and a Scheduled Ancient Monument. It sits on a grassy mound of a hill and is surrounded by mature wooded boundary. A Conservation Area designation may add to the potential management of this sensitive area.

The main access to the castle is by way of Castle Avenue, a road of attractive C20th houses. Though not of historic value, this short road provides an important context and arrival setting and requires Conservation Area management and controls.



Views up Castle Avenue with stairs into castle grounds

### 2. Newton Road Area

The Newton Road shopping area provides a focal point for Mumbles residents and visitors. The attractive townscape along a steep incline was built up throughout the second half of the C19th and early C20th and though it includes several building styles, most are three storey Victorian gabled terraces with bay windows.

Although some details and shopfronts have been changed this area retains its overall heritage characteristics.



Newton Road

### 3. The Residential Terraces Area

Either side of the Newton Road are areas of planned Victorian terraces. All retain many original features and designs creating attractive heritage streetscapes with the later streets having gabled ends facing the roads. The oldest streets are to the north of Newton Road and the areas nearest to the sea.

The area south of Newton Road was developed gradually over the second half of the C19th but it has retained the terrace form and the grid layout of the streets.



Views up Oakland Road

### 4. Overland Road

As the grid layout reached the steeper slopes of Mumbles Hill the road layout changed to follow the contours. Some fine Victorian and later Edwardian terraces benefited from the steep slopes with steep front gardens above Overland Road and magnificent views over Swansea Bay.

The popularity of this area has led to infill developments and roofspace extensions. The heritage qualities of this area are in need to be protected from further inappropriate change.



Overland Road



## 5. Mumbles Road near the junction with Newton Road

The area between the current Conservation Area boundary and the Newton Road junction includes a surprising mixture of historic buildings and one late C20th building which demonstrates how inappropriate form and materials can detract from a heritage streetscape.

The area was built up before the OS map 1876 and many of the original buildings remain from this period.



West side of Mumbles Road from the current Conservation Area boundary showing the mixture of heritage buildings up to the White Rose inn at the junction of Newton Road.

## 6. Thistleboon Road / Higher Lane

Area of modern development at the top of Thistleboon Road to be omitted from the Conservation Area.



Western Close off Higher Lane

# 5.0 CHARACTER AREAS

## Identification of Character Areas

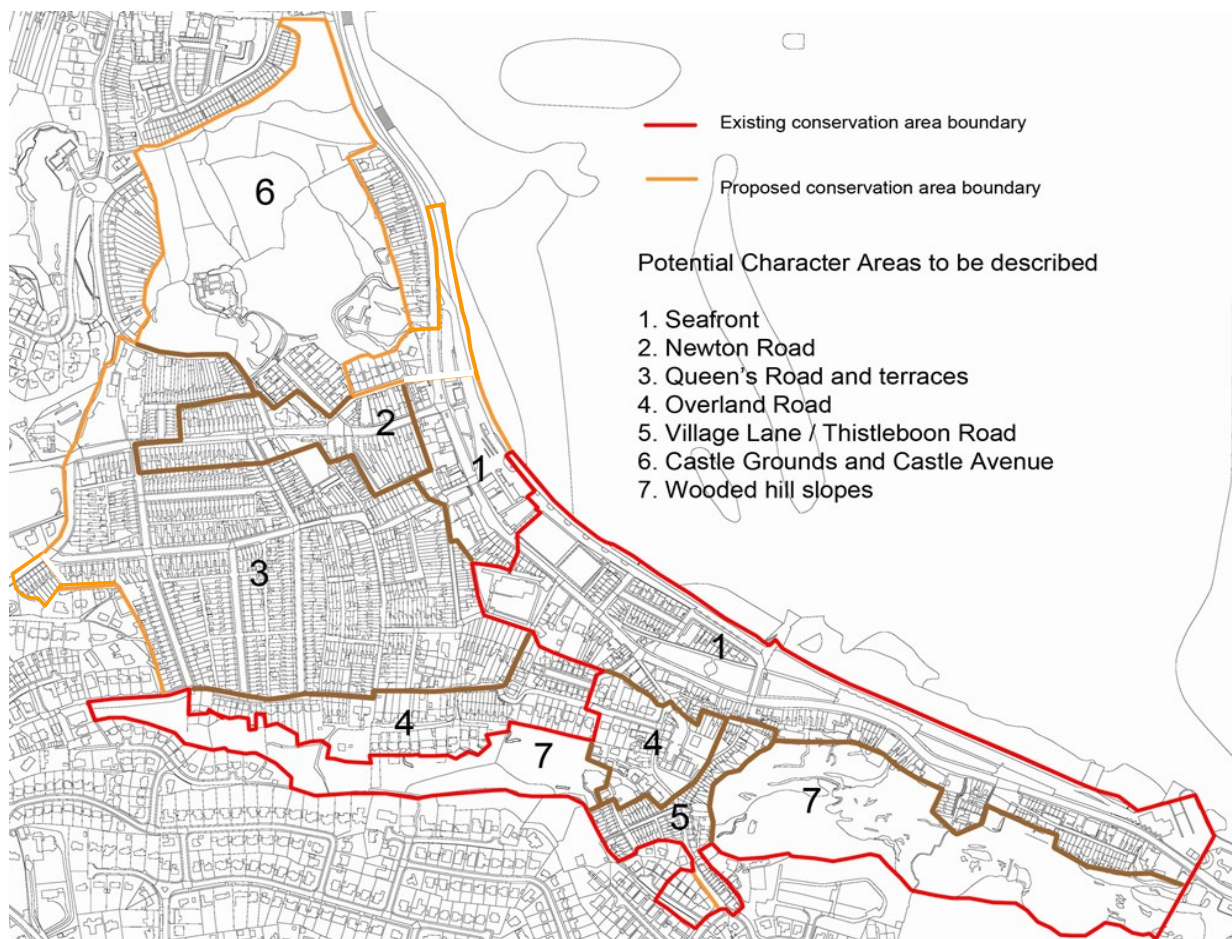
5.1 This appraisal of the Conservation Area identifies several distinctive character areas, including the proposed extension area, that are based on the periods and design of development, the density of development and their use. These Character Areas are indicated and described below.

5.1.2 The purpose of describing the key characteristics of each Character Area is to provide guidance for the consideration of any renovation or redevelopment proposed for that area, and to ensure it is appropriate within its local heritage context and does not damage its historic townscape.

5.1.3 The policy guidance and design principles described in Section 7.0 provide a recommended approach for both owners and local authority officers reviewing proposals for change in the built environment with an emphasis on the protection of the heritage.

5.1.4 The brief appraisals of each Character Area identify the main development forms, their layouts and the principle details that need to be respected. Section 5 provides an overall assessment of the conservation issues and lists the main positive and negative issues with the assets and problems which relate to all Character Areas.

5.1.5 Within each Character Area, notable buildings of historic or architectural interest are identified as Focal Buildings; all other heritage buildings and terraces that contribute to the streetscape are identified as Positive Buildings – though some display significant damage through inappropriate repairs and alterations; and those buildings that are of inappropriate scale, materials or design and damage the historic character of the Conservation Area are shown as Negative Buildings. All others are considered as Neutral.



Location of Character Areas

## Seafront Character Area

5.2 Mumbles seafront provides the ‘public face’ of the town and as such, its townscape qualities and character are particularly important to protect, improve and enhance. The development along much of its length has a long history. The seafront was fully built up by Victorian times when many of the current terraces replaced earlier buildings. Edwardian buildings followed and it was not until the later C20th and early C21st when significant further changes occurred.

5.2.1 Within this Character Area, the long line of sea facing development on the western side of the Mumbles Road – from the Newton Road junction to the narrowing of the developable land past Verdi’s restaurant to the south, presents the main townscape.

5.2.2 Two ‘islands’ of buildings breaks the almost continuous sea views:

- the commercial group that starts at the Dunns Lane junction with a striking two storey brick corner building with horizontal plaster banding, followed by brick and rendered properties, and ends with the recently built, ‘Oyster Wharf’ development; and
- a residential area including Cornwall Place, Devon Place and Promenade Terrace opposite the Western Lane junction with Mumbles Road. The late Victorian properties are terraced, mostly three storey and built in brick, with a row of lower two-storey C20th semi-detached houses. A few of the Victorian houses at the Mumbles Road junction have commercial uses.



The Dunns with the Methodist Church and commercial unit opposite on Mumbles Road



Oyster Wharf, Mumbles Road facing elevation (above) and seafront facing elevation (below)



5.2.3 Otherwise, the area between the Mumbles Road and the sea wall is public open space:

- at the northern end, the area opposite the Newton Road junction has proposals for a new development called ‘Oystermouth Square’ development which is subject to a development brief and is approved as a SPG. Currently used for car parking, this site is screened by a small area of trees and grass. Though the designs are not finalised, they retain the view from Newton Road to the sea.
- between the two built-up areas are tennis courts and bowling greens lined with trees. An attractive small sports pavilion provides a heritage note which should be protected;
- between the Mumbles Road and Devon Place, and to the south is a public park area defined by low railings. The two plots of land with mature trees and grass provide an important public facility and

visual interest. A small shelter and store room provides another attractive heritage note;

- to the south of the parks, hard surfaces prevail with car parking areas and a boat park, owned and operated by the Council, that are screened by a low wall; and
- at the end of the Conservation Area is the attractive modern design of the single storey Verdi's restaurant with outside seating and a view over the slipway and across the Bay to Swansea.
- Linking these spaces is the sea wall promenade – a hard surfaced pedestrian and cycling route which follows the line of the historic tramway line.

5.2.4 Behind the line of the sea facing terraces on the west side of Mumbles Road, and on higher land, is the parish church. All Saint's Church is Listed Grade II and is notable for its medieval fabric and interior detail. The higher position, within its churchyard, provides views of its stumpy castellated tower from the sea.

5.2.5 The significant townscape characteristics of this Character Area are created by the lengths of three storey terraces interposed by a variety of buildings on the west side of Mumbles Road. Though they maintain common qualities, the different designs and mixture of commercial and residential uses introduce variety and visual interest.

5.2.6 Key townscape characteristics to be respected include:

- The mix of two and mainly three storey Victorian and Edwardian terraces that provide a consistent visual theme to the continuous frontage.
- Within this format, although there is a variety of design, most buildings are rendered with light or pastel colours and slate or slate effect roofing. Other materials are occasionally used, with the later properties tending to have more gable-ends facing the road.
- The fenestration mainly follows a vertical

C19th pattern which adds to the rhythm and qualities of the heritage streetscape.

- The numerous public houses scattered along the Mumbles Road create important focal points for the local economy and visual qualities of the continuous frontage. Most are notable buildings – eg. The George, the Village Inn and the Antelope (though now empty and in need of renovation), and provide variety and interest to the streetscape.
- Further north from All Saint's, nearer to the Newton Road junction, the mix of uses becomes more commercial and introduces public buildings. Other than an inappropriate late C20th brick development with ground floor shopping, the buildings are of historic interest. The old Post Office is next to the Methodist Church Listed Grade II, and after Dunn Street are a mixture of two storey buildings including a corner Edwardian shop, Mount Zion Hall, a group of shops with a variety of heritage designs, and older, lower buildings leading up to the Newton Road corner three storey White Rose inn and a late Victorian group of two storey brick shops on the facing corner. This frontage presents an important heritage streetscape that is a gateway on arrival in Mumbles.

5.2.7 Throughout the length of the seafront there are notable buildings that have qualities or characteristics that make them **focal points** and important heritage features in the streetscape. On the Mumbles Road these include:

- The White Rose inn; the Methodist church; the former Post Office; the Village inn; the recently converted Conservative Club the George inn; 722 Mumbles Road; and the Bristol Channel Yacht Club building.



Recently converted and extended Conservative Club, 672 Mumbles Road

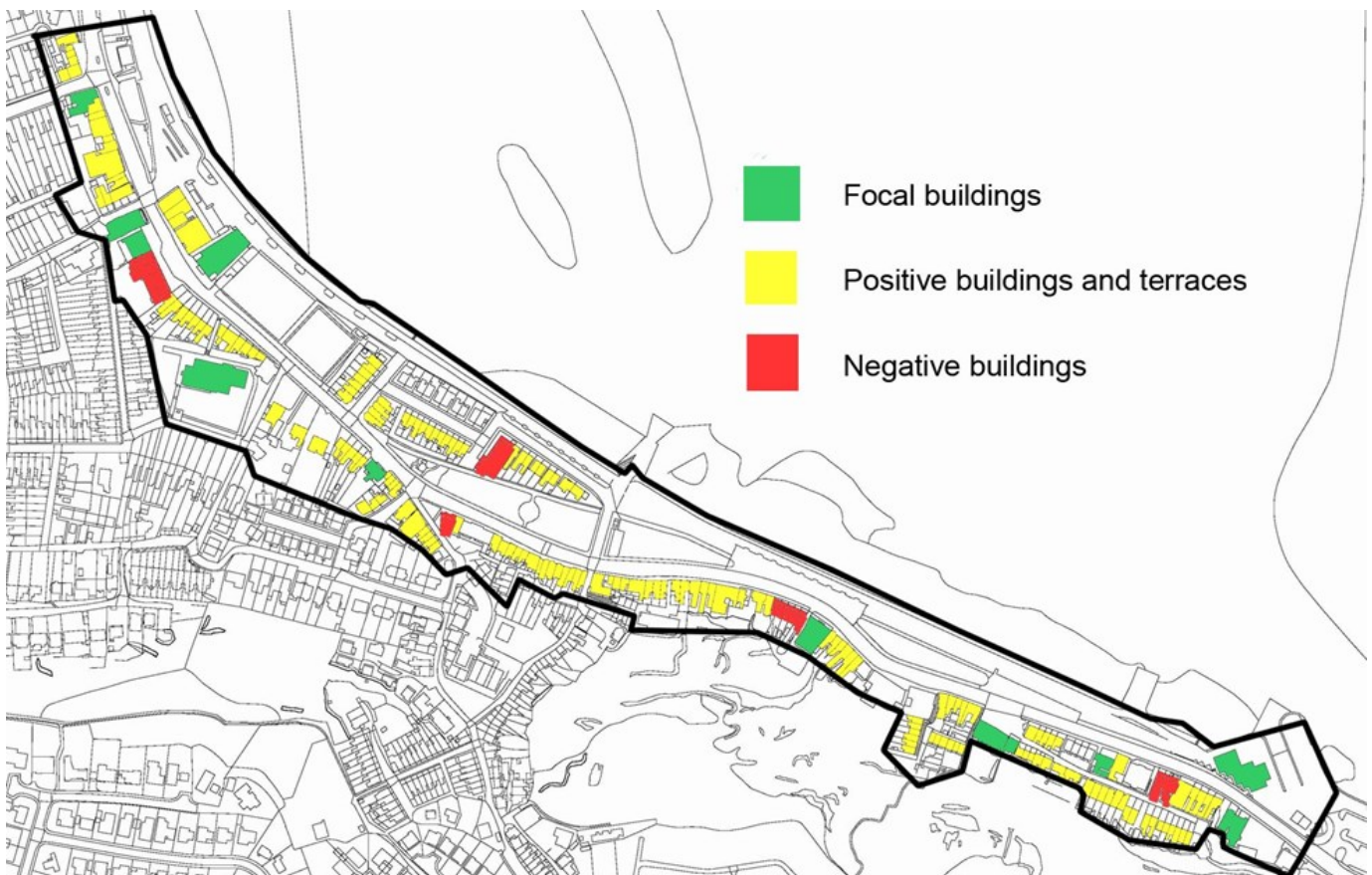
5.2.8 There are few **negative** buildings which are of inappropriate scale, materials, design or massing and create a negative effect on the historic character of the Conservation Area. The outstanding examples are:

- the late C20th row of six shops to the south of the Post Office built in brick with unsympathetic fenestration and flat roofs;
- 664 – 668 Mumbles Road, a two-storey terrace which introduces new materials, fenestration and roof lines which do not accord with their neighbours;

5.2.9 Neutral buildings are mainly C20th and are unobtrusive because they respect the scale, materials and detail of surrounding properties, though some are older properties that have been heavily altered and no longer preserve the character of the Conservation Area. There are a number of examples on the Mumbles Road where improved attention to design using heritage forms and details would improve their appearance in the townscape.

5.2.10 The major concerns along the Mumbles Road are the gradual replacement of heritage details with inappropriate designs and materials, and examples of poor maintenance. Many of the historic terraces display examples of these issues that are changing their historic character and altering the townscape.

5.2.11 The protection, improvement and enhancement of the long Mumbles Road frontage should follow the guidance set out in section 7 – Policy Guidance and Design Principles. Of particular importance will be the need to recognise that the scale, height and massing of any development accords with the historic characteristics of the area.



## Newton Road Character Area

5.3 Newton Road includes the main shopping centre of Mumbles. Although it was built up gradually over many years, it has retained a common form and scale of three storey terrace design which creates the attractive townscape. The road rises gradually from the seafront with a steeper section in the middle of this Character Area. Throughout its length there are striking views of Swansea Bay.

5.3.1. The Newton Road Character Area includes three distinct zones:

- From the Mumbles Road at the base of the hill, up to the junction with Castle Avenue. This length is predominantly three storey terrace development with ground floor shopping. Other notable buildings include Castleton Walk, the market building in a converted cinema with its traditional front elevation; the three storey Georgian styled brick building now used as a café; and the facing Castleton Chapel, an small attractive red brick chapel.
- The steepest part of the hill, between Castle Avenue and Castle Road includes the modern Police Station and the Ostreme Centre in a grassed setting on one side and the Former British Legion site opposite which has planning permission for a mixed use redevelopment with ground floor retail use and residential apartments above.
- At the top of the hill, above Castle Road and ending at Castle Street on the north side and Stanley Street on the south side, are further three storey terraces of

shops. The Tabernacle Reformed Church is the only other notable building in this section of the Conservation Area.

5.3.2 The oldest part of this Character Area is the northern side, at the top of the hill. The long terrace of three storey shops backing onto Castle Street was built before the OS 1876 mapping, with a few houses on the facing side of the road. By 1899, small groups of shops had been built at the higher level facing the original terrace, and the first group of shops next to the White Rose inn on the south side near the Mumbles Road junction.

5.3.3 The OS 1914 map shows that the rest of the south side of Newton Road had been built, except for a short length at the steepest part of the hill. The shops on the north side, between the Mumbles Road junction and Castle Avenue, were completed during the inter-war period. This left the steep land between Castle Avenue and Castle Road which has now been developed with a Police Station and the community facilities of the Ostreme Centre.

5.3.4 The key feature of this shopping area is the townscape continuity created by the three storey terraces and shopfronts (many original). The consistent height, the rhythm of the repeated first floor bays and large gable dormer windows and the use of materials unifies this area. A more consistent design approach should limit the multitude of shop front designs while still creating the lively appearance and overall visual interest.



View up Newton Road including Castleton Chapel on the left and Ostreme Centre and the castle to the right

5.3.5 The terraces built in different periods each have identifying features. Though the majority have gable dormers and bay windows which is the fundamental design theme of the area, there are groups with flat topped dormers and no bays, some have brick walls while the majority are rendered, and many have semi-circular windows into the gable.



View from the Mumbles Road showing the White Rose (left) and the attractive townscape impact of the three storey terrace commercial area of Mumbles climbing uphill. The variations of terrace design can be seen on the right where the newer buildings lack the gabled dormers and include a fixed canopy as it is the sunniest side of the street.

5.3.6 The length of shops built in the 1920's and 30's on the north side at the bottom of the hill present the most significant variations. The lack of gable dormers and the fixed canopy over the pavement introduces new forms but first floor bay windows reinforce the townscape rhythm.



An example of the typical terrace of shops in this Character Area. The gable dormers and first floor bays create the attractive characteristics of this streetscape and limit the impact of the loss of heritage details on many buildings – chimney pots and stacks, decorated bargeboards, replacement fenestration with variety of designs, and inappropriate shopfronts and doors.



Townscape characteristics along Newton Road

## Terraces Character Area

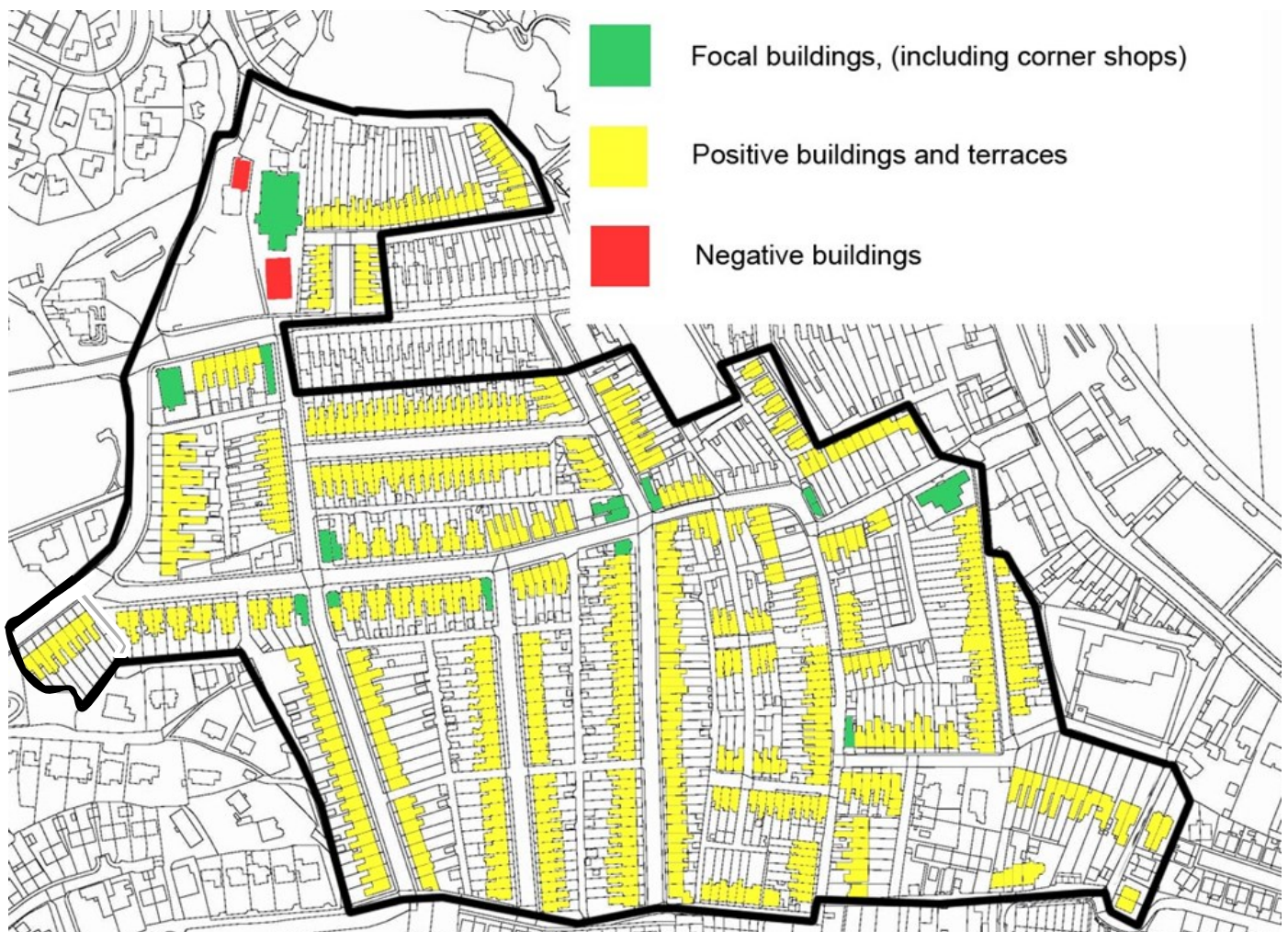
5.4 The large residential Character Area of Victorian and Edwardian terrace houses is notable for its consistent form, for the retention of its heritage characteristics and the visual quality of the range of designs. It spreads over a significant bowl of land to the north of Mumbles Hill and south of Oystermouth Castle.

5.4.1 The earliest development occurred on Castle Street, close to the castle, and the largest area started behind the seafront buildings. By the time of the OS 1876 map, over a third of the area had been built up. Building continued up to the end of the century in small pockets with the most substantial area between Queen's Road and Newton Road. Up to the OS 1914 map, development focused on Queen's Road and along Woodville and Oakland Roads to the south, with short terraces at the top of the Newton Road hill.

5.4.2 The final phase, in the south west of this Character Area, was completed after the First World War on Oakland and King's Roads.

5.4.3 The narrow stone walled Lime Kiln Lane on the north west boundary of the area provides a historic link to the lime kilns further up Castle Road. It borders Oystermouth Primary School which was first opened in 1860 with an attractive stone group of classrooms. Extensions both north and south have partly hidden this historic building and the box-like building facing Newton Road is particularly inappropriate in this heritage setting.

5.4.4 Throughout this consistently residential area only two other public buildings create notable focal places – Oystermouth Library on Dunns Lane, a grade II Listed art deco style single storey building; and Mumbles Baptist Church, built 1910, on the corner of Newton Road and Langland Road.



Townscape characteristics in the Terraces Character Area



5.4.5 The large residential area follows a grid-like layout and flows over the slopes of the land creating interesting views, spaces and streetscapes as the roads step down the hills. Although the terraces present a consistent form and massing, there is significant variation in the designs of each row.

5.4.6 The earlier groups tend to be plainer with less decoration or embellishment. As the stages of development of this Character Area progressed, the terraces gradually display ground and first floor bay windows, gable dormers, variations in fenestration and narrow front gardens in addition to increased decoration and mouldings.

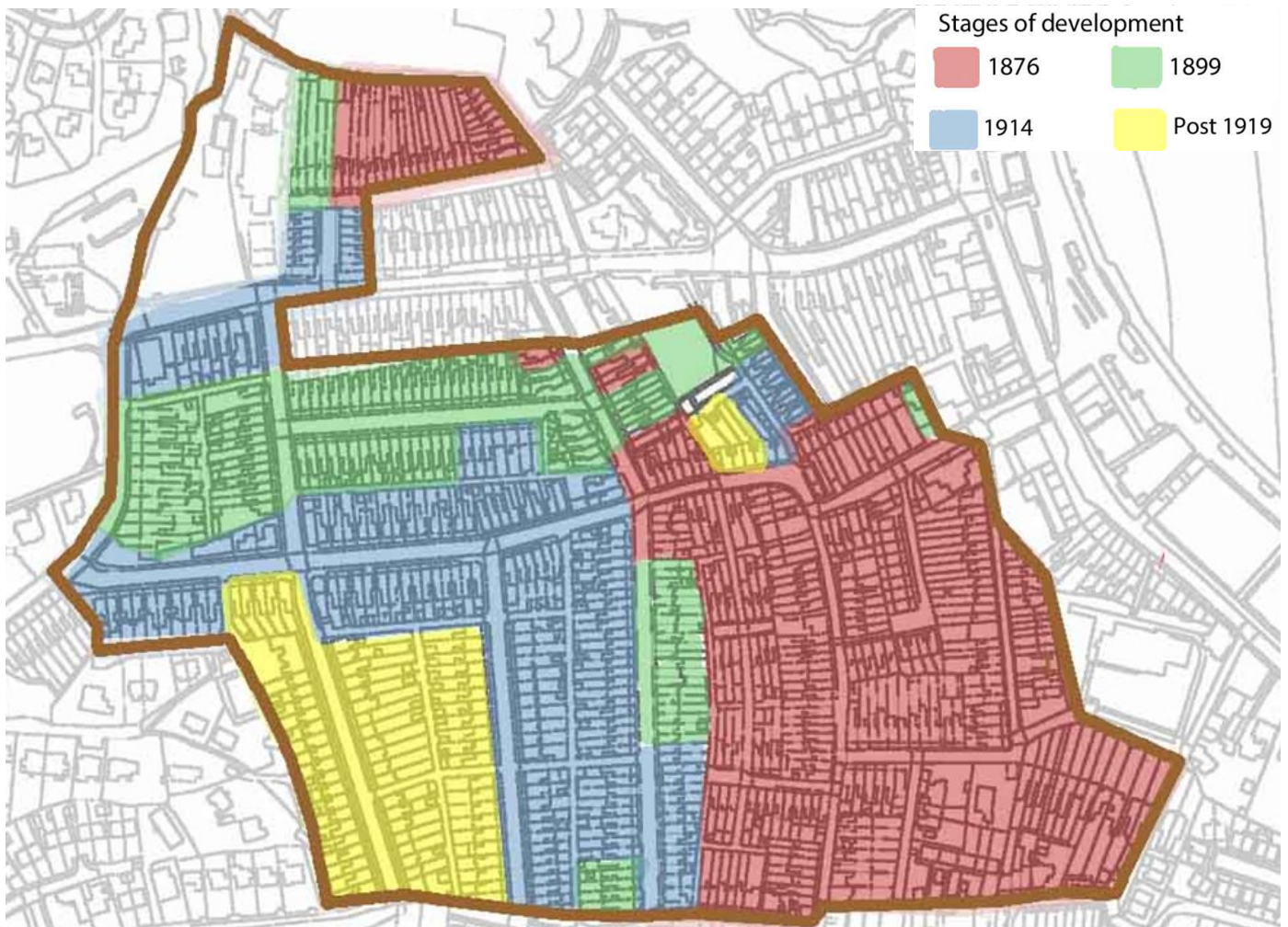
5.4.7 Of note are the strong designs at corners where corner shops and corner turning houses are a positive feature of the area and focal buildings.

5.4.8 Though most owners have been successful at maintaining their properties, there has

been widespread loss of character to houses along these historic terraces with many displaying inappropriate changes to detailing and selection of materials.

5.4.9 In particular, replacement fenestration has introduced new materials and window types with variations of glazing bars; the replacement of traditional slate roofs with differing colours of tiling; the removal of chimney stacks and pots; the introduction of over large dormer windows and roof alterations; and the introduction of new materials for use as front garden boundary walls, is gradually changing the historic streetscapes and damaging the design rhythm of the terraces.

5.4.10 In spite of these concerns, the street layouts, the form and massing of the buildings and the significant number of properties which have retained their historic character has ensured the importance and attraction of this Character Area.



Historical development of the Terraces Character Area  
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## Terraces Character Area (continued)

5.4.11 The following images are examples of the variable built form within the Terraces Character Area:



An early Victorian terrace stepping down the hill with sea views. Changes to window materials and glazing bars and the introduction of an unexpected porch detail have altered the uniform character of the row



Examples of later Edwardian designs (above and below) in the last stage of development of this area show the introduction of new design details – gable ends and new glazing bar patterns; and materials – brick walls and hanging tiles



Further examples of early Victorian terraces with their plainer designs facing a later row with ground floor bays



Oystermouth Library, Listed Grade II



Mumbles Baptist Church on the corner of Newton Road and Langland Road with attractive three storey terraces in the background

## Overland Road Character Area

5.5 The Overland Road Character Area follows the contours around Mumbles Hill and includes the steeper land above Overland Road and the Terraces Character Area, and below the steep wooded slopes of Mumbles Hill – Character Area 6.. In most cases the buildings are of a slightly later period – the end of the C19th and early years of the C20th, but many later houses and terraces have been built to benefit from the proximity to the town centre and the stunning views across Swansea Bay.

5.5.1 The resulting mixture of housing types adds to the interest and surprise of this Character Area, and it is only in cases of poor design and inappropriate layout that occasionally detract from its heritage interest and visual qualities.

5.5.2 At the western end of Overland Road is a row of plain rendered 1950's semi-detached houses with small front gardens. These are followed by a group of 1930's semi-detached with period architectural detail, a single late C20th house and a variety of early C20th terraces and groups – some with a third storey gable dormer, with longer front gardens benefiting from the height, and together creating an attractive row of properties looking over the Terrace Character Area to Swansea Bay.

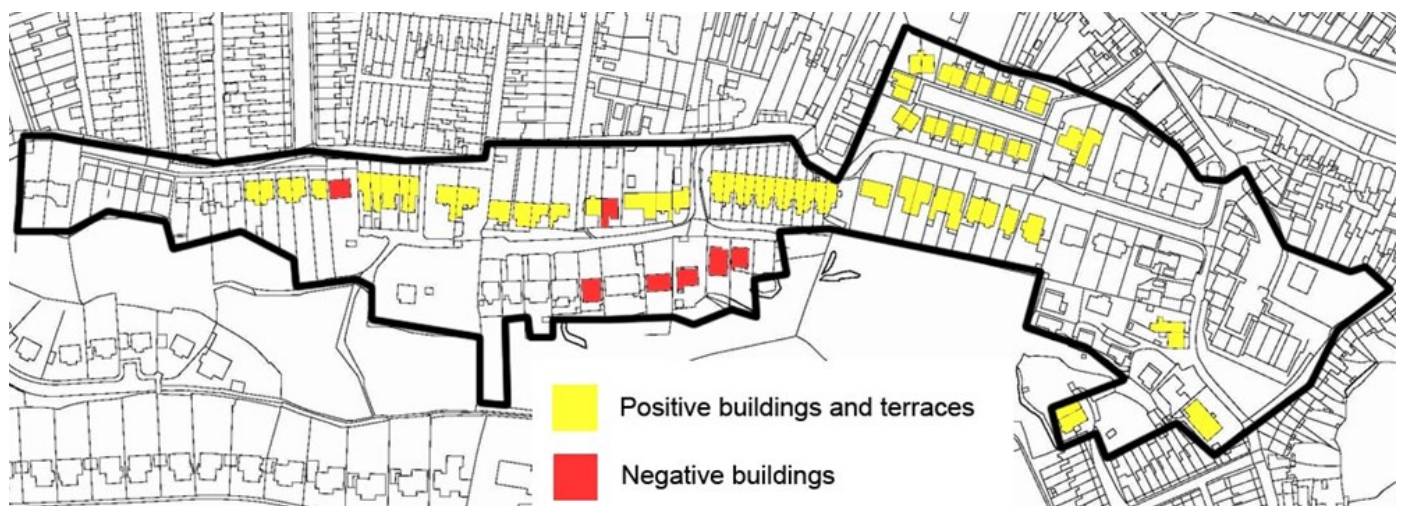
5.5.3 The middle length of the narrow Overland Road is bounded to the south by a continuing mixture of late Victorian, Edwardian and more recent properties in

short terraces, semi-detached and individual buildings.

5.5.4 All have longer front gardens that rise steeply to the house providing good long distance views. Some have garages built at road level. A steep route leads uphill to Broadview Close, a parallel line of eleven detached houses built in modern designs in the late C20th. The height of these properties needs to be controlled to limit their impact on the wooded slopes behind.

5.5.5 Following eastwards around a bend past the properties on Church Park Lane, the length of Overland Road up to the T junction at Western Lane, the large semi-detached Edwardian houses are soon replaced by mid C20th and late C20th designs. On the downhill side a cul-de-sac of small brick semi-detached house provide an incompatible note. Although most of these modern properties are inappropriate for conservation, it is important that they are included to ensure any future changes reflect the aims of Conservation Area and their sensitive locations.

5.5.6 Key concerns throughout this Character Area are to protect and retain heritage detail, to ensure any changes and new development respect the aims set out in Section 6. In particular, roof extensions and the introduction of 'picture' windows needs to be controlled to limit the impact on neighbours and to protect the long distance views of this sensitive area against its wooded backdrop.





Example of a late Victorian grouping where property on the right has lost some of its heritage detail – fenestration, decorated bargeboards and ground floor bay window surround



As the slope of Overland Road increases, the views over Swansea Bay influence the designs with bay windows on both floors to benefit from the panorama over Mumbles



Mix of designs - new build on left, early C20th houses in distance and Victorian terrace where Overland Road bends around Church Park Lane



Eastern end of Overland Road with older properties uphill and Park Avenue cul-de-sac below



The range of Victorian and Edwardian designs of properties introduces variety and interest along the edge of the Conservation Area

## Village Lane Character Area

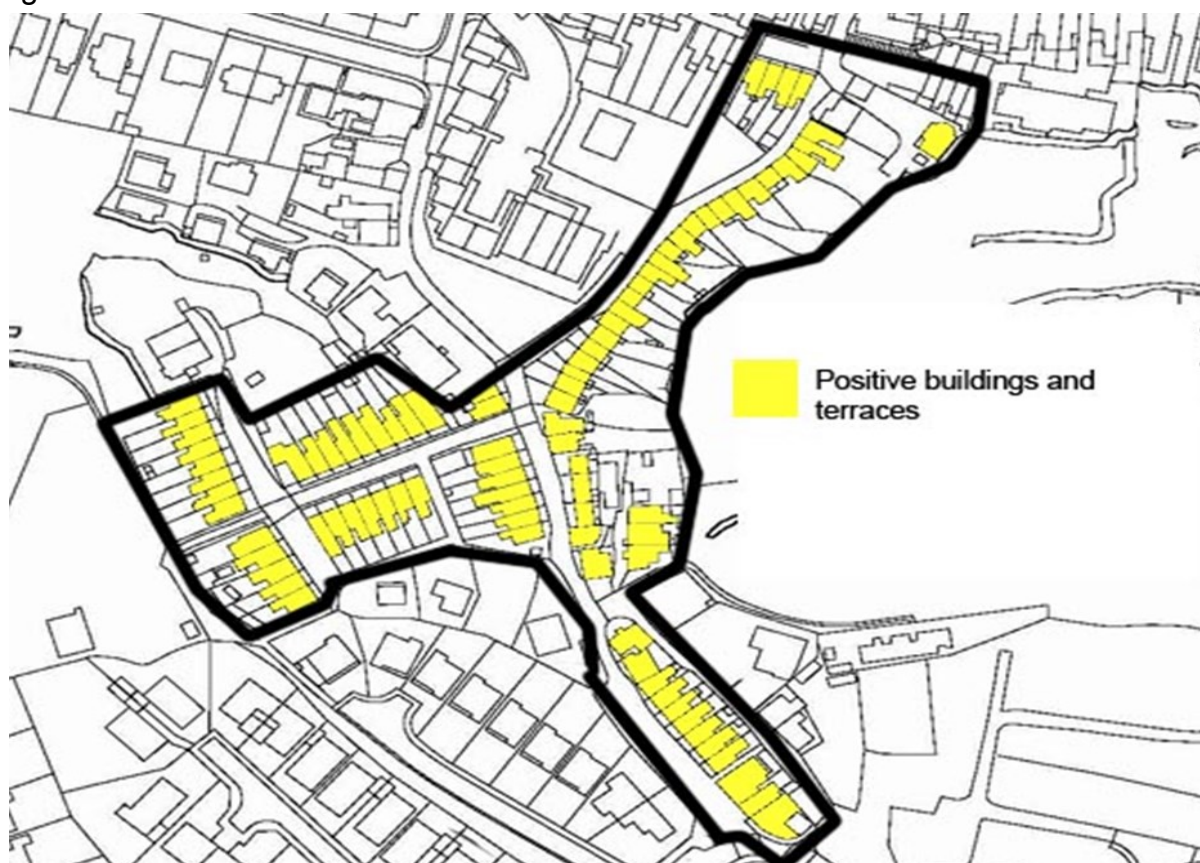
5.6 The Village Lane Character area includes the traditional fisherman's village of Mumbles up Village Lane, Thistleboon Road, Tichbourne Street and Bryn Terrace. Other comparable lanes or 'slades' with fisherman's cottages off the Mumbles Road and up Mumbles Hill include George Bank and Clifton Terrace, Hallbank and the steps up to Dickslade,

5.6.1 The steep and very narrow Village Lane was not designed for road vehicles. The small and simple traditional terraced cottages follow the curves in the road along its eastern side. They face the stone wall across the lane with views over of Swansea Bay. Many of the properties have been sensitively renovated with rough cast rendered walls painted in pastel colours, six pane sash windows reintroduced and painted window surrounds. Roofs should use slates but a number have red tiles which changes the composition of the terrace grouping.

5.6.2 The terraces higher up Village Lane show increased loss of heritage detail with some inappropriate windows, doors and roofing materials.

5.6.3 Thistleboon Road continues to climb Mumbles Hill up to Higher Lane and the Conservation Area includes the properties on both sides over its lower length and just the eastern side and the facing stone walls to omit new housing development at the top of the hill. The boundary stone walls are a fundamental part of the heritage composition and link the historic terraces. Most of the terrace cottages that line the road have narrow front gardens bounded by stone walls, though some are unfortunately being replaced by other materials. As no coordinated renovation has been implemented, a number of the properties have lost heritage features.

5.6.4 Tichbourne Street climbs steeply from near the Village Lane and Thistleboon Road junction and connects to Bryn Terrace which follows the contour. Both roads include similar small rendered terrace properties with narrow stone walled front gardens. Many cottages have been appropriately renovated but access difficulties have limited attention to some heritage detail on the historic fisherman's homes.





Renovated fisherman's cottages on the steep Village Lane as it climbs Mumbles Hill. The facing stone walls screens the land sloping down to the seafront but permits views over Mumbles / Swansea Bay



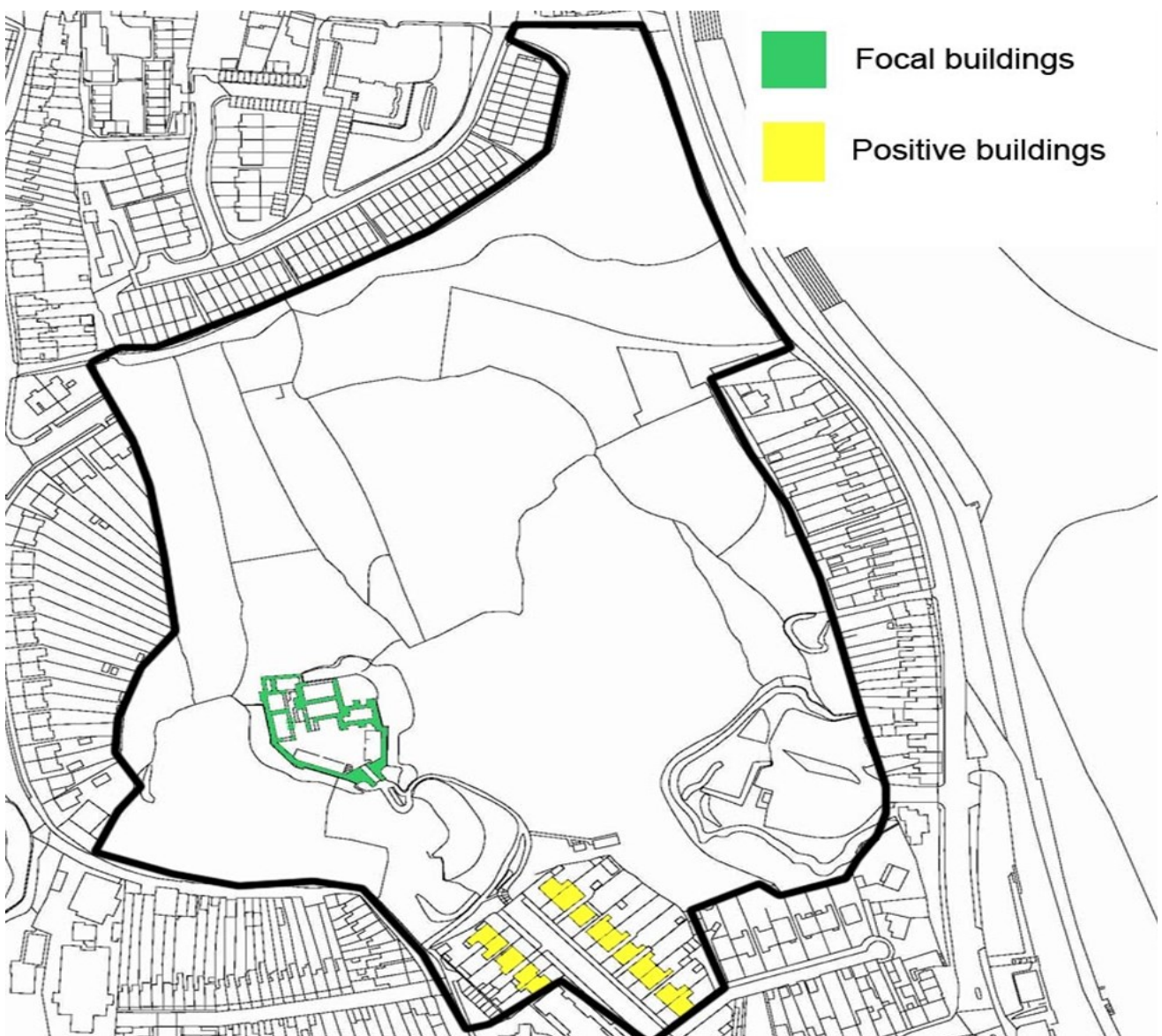
Top of Thistleboon Road showing the traditional two storey terraces stepping down the hill. Narrow roadway and problems for parking throughout the Character Area.

## Castle Character Area

5.7 Oystermouth castle sits on a small hill overlooking Swansea Bay, the coastline and most of Mumbles. It is surrounded by a large green area with a significant part covered by mature woodland. Three of the open spaces are used for allotments including the largest to the south west of the castle that almost reaches the castle walls. The main grassed area is to the south and east of the castle where the trees now screen views of surrounding buildings, the quarry car park and the seafront. The other significant open space is Castle Acre in the north of the site.

5.7.1 The historical importance of the castle in its dominating location has resulted in the need for recent renovations and the introduction of a visitor centre. The high stone wall along the Castle Road boundary to the south west provides an important visual edge which opens up for an access to the castle near the top of Castle Avenue.

5.7.2 As Castle Avenue is on a principal axis and is an important access from Mumbles, it is included in this Character Area. This route is bounded by attractive 1930's semi and detached houses and is a significant part of the context of the castle.



Townscape characteristics in the Castle Character Area



Aerial view of the Castle



Oystermouth Castle



## Hillsides Open Space

5.8 Though the two lengths of wooded hill face around Mumbles Hill are mainly too steep for significant built development, they are of particularly important undeveloped backdrop and a skyline above the Conservation Area. The mature trees provide an important backdrop to the historic terraces and townscapes of Mumbles.

5.8.1 The two narrow lengths of woodland follow the steep escarpment and are separated by the Village Road Character Area.

5.8.2 Further open space around Mumbles could have been considered for inclusion in the Conservation Area, i.e. to the west of the castle grounds, and the rest of Mumbles Hill, but other woodland does not have the direct links as the setting for historic townscapes and is protected by its landscape designation.

5.8.3 Appropriate woodland management is required for this important resource to ensure its sustainable future as a visual framework for the Conservation Area.. Similar actions will be needed to protect the tree belts around the castle.



View of the western length of woodland that follows the escarpment as a backdrop to the Terraces and Overland Road Character Areas



View from the Promenade across the bowling green demonstrates the importance of the impact of the eastern length of woodland on Mumbles Road properties and the Seafront Character Area

## Key heritage and townscape qualities

5.9 Mumbles is noted for its terraces - whether along the seafront, in residential areas or on shopping streets. The continuity and quality of the terrace heritage architecture is notable and presents important townscapes. The sloping and steep landform introduces much of the visual appeal and the way in which the terraces adapt creates the interest of spaces, views and rooflines.

5.9.1 Other than Oystermouth Castle, buildings of heritage and architectural note which create focal points are limited to churches, inns and a few public buildings. This has resulted in a short selection of Listed buildings both within the current and proposed Conservation Areas. Other notable focal buildings which should be recognised should be designated as Locally Listed buildings – see section 7.8.

5.9.2 Grade II Listed buildings within the current Conservation Area:

- All Saints Church
- 1/2/3 Southend Villas
- Bristol Channel Yacht Club
- Princes Fountain
- Turnpike Trust Boundary Stone

5.9.3 Grade II Listed buildings within the proposed extension to the Conservation Area:

- Mumbles Methodist Church
- Oystermouth Library
- Tabernacle, Newton Road.

5.9.4 Grade I Listed buildings within the proposed extension to the Conservation Area:

- Oystermouth Castle



Southend Villas, Mumbles Road



Tabernacle, Newton Road

5.9.5 Much of both the visual interest and the heritage character has been a result of the context and setting of Mumbles Conservation Area. The coastal setting with striking views across Swansea Bay, the location below and on the slopes of the Mumbles Hill escarpment, and the strong belts of mature trees that wrap around the Conservation Area reinforce the qualities of the historic townscapes.



# 6.0 IDENTIFICATION OF CONSERVATION ISSUES

## General conditions (SWOT Analysis)

6.1 The proposed extended Mumbles Conservation Area includes historic seafront buildings and terraces, a grid of traditional terraced housing streets, the core of the early village climbing the hillside, the Victorian shopping area, the castle and its surroundings and the steep wooded backdrop of the boundary cliffs. The protection and improvement of the heritage qualities of these areas are fundamental for the future of the local economy and the means to ensure its conservation.

6.1.2 Although the majority of these historic townscapes have been retained, there are a number of concerns for its future that need to be addressed. This Management Plan needs to build on the local strengths of the characteristics of the settlement to make certain the opportunities for its future are appreciated. The current concerns and problems identified require action to ensure the potential benefits for the residents and visitors to Mumbles are achieved.

6.1.3 The key issues affecting the management of the proposed Conservation Area are:

### Strengths:

- Significance and examples of the role of Mumbles in the history of South Wales;
- Setting and views created by the dramatic coastline, wooded cliffs and beaches;
- Coastal setting and the tourism importance of its role as a visitor destination;
- Importance, variety and considerable number of high quality historic buildings and townscapes throughout the proposed Conservation Area;
- Integrity and completeness of the historic street pattern of the area reinforced by the consistency of the building line and overall scale and massing of buildings – even amongst those 20<sup>th</sup> century buildings that have inappropriate designs;
- Consistent integrated quality of the heritage environment;
- Distinctive planned grid form of the area near the castle;

- Notable buildings providing focal points of interest along the seafront;
- Locational advantages of nearby sandy beaches, golf courses and the Gower for the leisure and tourism economy; and
- Success of the recent Oyster Wharf development.

### Weaknesses:

- Decline in the traditional high street;
- Visual impact of vacant shops, inns and upper floors;
- Unsightly shop signs that dominate shop frontages disrupting the original architecture;
- Poor quality of replacement materials and detailing on many heritage buildings;
- Lack of appropriate maintenance and care for heritage details;
- Inappropriate designs and materials of some new and enveloping development;
- Enhancement of the public realm is confused and incomplete;
- Limited delivery access to some shops creating traffic congestion;
- Lack of adequate car parking and its impact around the shops, the seafront and the dense housing areas.

### Opportunities:

- Improvement of heritage building maintenance and management;
- Increase in planning and design controls and guidance to limit heritage loss;
- Further sensitive regeneration of key sites and townscapes;
- Potential for assistance with grant aid funding along the seafront, eg. a Townscape Heritage Initiative;
- Reuse of underused and vacant floor space;
- Increase in the seafront and town centre economic viability and sustainability by targeting niche markets with the development of specialist shopping and leisure sectors;
- Marketing of town centre heritage with interpretation initiatives including walks tracing the history of the town, the harbour and its buildings;

- Traffic and parking management to reduce adverse impacts; and
- Increase the attraction of the seafront public open space.

**Threats:**

- Continuing economic difficulties for shops and businesses may discourage further private investment;
- Increase in unused buildings lead to sense of neglect and decline;
- Resistance to appropriate controls on historic building maintenance and alterations;
- Inappropriate designs of new infill buildings, extensions, shopfronts & alterations;
- Increasing traffic movement and parking impact;
- Lack of resources to maintain higher quality public realm within the Conservation Area;
- Continuing competition from out of town retailing and nearby Swansea; and
- Further changing demands for leisure and tourism.



Inappropriate shopfronts and signage can detract from original features



**Positive issues and assets**

6.2 The special heritage characteristics of interest that need to be protected and enhanced include:

**The overall character and setting of the Conservation Area** which clusters around the seafront with the Swansea Bay and the wooded headland forming strong visual boundaries to the historic settlement.

**The contrasting built heritage qualities of the Character Areas** from the three storey seafront streetscape to the predominantly two storey area of terraces and the Newton Road shopping area, the Conservation Area includes a variety of historic townscapes.

**Individual incident buildings and structures** of particular heritage merit and/or locational impact which enliven the streetscapes with focal buildings.

**Significant townscape groups of buildings** such as the Victorian and Edwardian terraces that combine to create an attractive variety of scale and design throughout the Conservation Area.

**Long distance views from the Conservation Area** of the coastal setting that need to be protected from inappropriate development.



Bristol Channel Yacht Club, a listed building located along Mumbles Road

## Negative issues and problems

6.3 The key negative issues and problems within the Conservation Area are:

### Inappropriate building alterations and repairs:

A significant number of buildings within the current Conservation Area and area proposed as the expanded Conservation Area display a loss of some of their traditional heritage qualities that are gradually changing the overall historic townscapes. The main examples are:

- Loss of heritage details and materials including low quality repairs;
- Use of render and other non-heritage wall finishes;
- Use of inappropriate roof materials;
- Replacement of front doors with inappropriate designs and finishes;
- Replacement of wooden sash windows with UPVC frames and different window designs;
- Removal of heritage mouldings and other details;
- Removal of chimney stacks and pots;
- Addition of aerials and satellite dishes; and
- Extensions and outbuildings of inappropriate design, scale and materials.



Changes to wall finishes, door and window openings and frames remove the heritage character and the rhythm of the terrace

### Unused buildings:

Unused buildings throughout the Conservation Area detract from the visual qualities of the heritage environment and discourage new investment in neighbouring buildings. Economic changes will be needed to assist and encourage reuse. Many shops have vacant floor space above ground floor and the lack of economic returns is resulting in poor maintenance and inappropriate repairs.



Longstanding vacant buildings can detract from the visual qualities of the heritage environment

### Replacement shop frontages and signage:

Replacement shop fronts and signage with inappropriate designs and materials have the most dramatic effect on the visual qualities of the Conservation Area. The eye level impact of the variety of bright colours of signs and the use of large areas of glazing is at odds with the traditional forms of the historic buildings and has led to a dilution of the original design and a loss of heritage character.



Inappropriate shopfront design and materials detracts from the visual qualities of the Conservation Area

### **Impact of inappropriate ‘modern’ development designs:**

These can introduce visual forms that detract from the Victorian and Edwardian streetscapes. Some examples of new infill development in the Conservation Area have been of inappropriate design, materials and quality which do not integrate with their adjacent heritage buildings and townscapes.



Inappropriately styled development that does not integrate with adjoining buildings can negatively impact upon the heritage townscape

### **Traffic and parking congestion:**

This creates visual and practical disruption for residents and visitors. The tight traditional Victorian and Edwardian street layouts were not designed for heavy vehicular use and the problems for parking cars in the dense, and often steep, residential areas result in significant problems for many householders.



Parking along traditional streets causes both visual and practical disruption for residents and visitors to the area

### **Extensions and additions of inappropriate design, scale and materials:**

These can have a significant detrimental impact on heritage townscapes. The introduction of new forms and building materials can change the appearance of an individual building and a terrace of houses.



Extensions and alterations at roof level change the line and rhythm of terrace skylines to the detriment of the host building and wider terrace

## 7.0 MANAGEMENT PLAN

7.1 The following six key principles provide a basis for the policy and management recommendations identified in this document:

### **Principle 1. The historic environment is a shared resource.**

Section 7.2 identifies policies and design guidance for the future of all buildings and places within the Conservation Area;

### **Principle 2. Everyone should be able to participate in sustaining the historic environment.**

In addition to the guidance in section 6, see section 7.12 - Community Involvement;

### **Principle 3. Understanding the significance of places is vital.**

Section 4 of this Conservation Area Appraisal identifies, describes and locates the character and appearance of different parts of the area;

### **Principle 4. Significant Places should be managed to sustain their values.**

The role of this document is to identify the key issues and opportunities for management of the area;

### **Principle 5. Decisions about change must be reasonable, transparent and consistent.**

Section 8 – Management recommendations, identifies the key approaches to support the current Conservation Area planning procedures;

### **Principle 6. Documenting and learning from decisions is essential.**

Section 7.11 – Monitoring Change lists methods to inform both the community and the authorities.



## **Conservation area development policy & design principles**

7.2 The application of policy and design guidance, both generic and local, with Conservation Area wide design advice and site specific recommendations, will need to be linked with the Local Development Plan and following public consultation and Council adoption/approval process it will constitute a material consideration in planning decisions with the same weight attached to SPG. The positive assets described in section one need protection, while the negative problems need to be resolved or limited.

7.2.1 The following issues are discussed below in sections 6, 7 and 8:

- Policy guidance for existing and new development in the Conservation Area;
- Management framework for the public realm;
- Design guidance for selected sites and issues;
- Conservation and planning control measures;
- Community involvement; and an
- Implementation programme.

## **Guidance for reuse and enhancement of existing buildings**

7.3 The following notes highlight the primary considerations for development management or the maintenance or replacement of heritage components within the Conservation Area.

### **Approach to repairs and alterations**

7.3.1 Design guidance should encourage residents / owners to repair original elements in preference to replacement. Advice on how repairs and alterations should be carried out is available from the following websites:

- [www.ihbc.org.uk/public\\_benefit/index.htm](http://www.ihbc.org.uk/public_benefit/index.htm); and
- [www.maintenancematterswales.org.uk](http://www.maintenancematterswales.org.uk) (a Cadw document).

7.3.2 Currently some minor alterations to unlisted buildings within the Conservation Area do not require planning permission and the results often compromise their historic interest and architectural integrity with an adverse impact on the historic townscape.

7.3.4 The proliferation of relatively minor building alterations, many of which do not require planning permission, is incrementally eroding the character and appearance of the existing and proposed Conservation Area. Inappropriate modern alterations can adversely affect the subtlety, balance and proportions of building elevations and can also be physically damaging to the fabric of historic buildings.

7.3.5 Important original features threatened by such alterations include shop fronts, timber sash windows, doors and door cases, cast iron handrails, railings, rainwater goods, and chimney pots and stacks. It is important, therefore, that property owners and occupiers adopt the right approach to repairs and the replacement of these features.

7.3.6 In the first instance, regular maintenance should be carried out to prevent, or at least delay, the need for more significant repairs. Repairs should only be undertaken where considered necessary to slow down the process of decay without damaging the character of the building. In the vast majority of cases, a traditional approach to repair should be adopted, replacing decayed material on a like-for-like basis.

7.3.7 In certain circumstances, decay may be so advanced that the fabric is beyond repair and the replacement of the features may be necessary. Care should be taken to avoid the unnecessary loss of historic fabric. For example, the discrete insertion of modern draft seals can greatly enhance the performance of casement and sash windows in respect of heat retention and ease of use.



This attractive sea front terrace of Victorian houses displays the concerns of gradual change: loss of chimney stacks and pots; replaced gable barge boards; the removal of the arched top floor window openings; two inaccurately rebuilt two storey bays; changed window fenestration; door openings and doors have been replaced; and the pebble-dash wall finish does not respect the traditional design.



Coordinated renovations and painting schemes for a traditional terrace would have been improved with the retention of appropriate heritage designs of fenestration and doors. The widespread use of uPVC throughout the Mumbles Conservation Area is not the preferred option, but where uPVC requires less maintenance because of the impact of the sea air, it will be important that appropriate traditional designs of windows and window bars are used with the necessary reveals.



A good example of renovation of a residential dwelling on Overland Road.



The following guidelines are intended to advise the residents and owners within the Mumbles Conservation Area of the general approach to be taken when contemplating external repairs or alterations. Owners and occupiers should, however, always seek the more detailed and specific advice of the Council Development Management and Conservation Officers before carrying out works to their buildings.

### **Guidelines for external repair and alteration work**

7.4 The following examples provide some initial guidance but further advice is available from Swansea Council Conservation and Development Management Officers:

#### **Windows and doors**

7.4.1 Existing windows and external doors should be retained and carefully repaired wherever possible. In the Mumbles Conservation Area most original windows on the older buildings are of a timber sliding-sash design. If replacement is unavoidable, new windows should be accurate replicas of the original design, in both pattern and detail. uPVC frames are only acceptable where they achieve these aims. Windows and doors should be painted and not stained. The size and proportions of the openings should not be altered or replaced and, importantly, reveals or setbacks should be retained to maintain the perceived 'depth' of the elevation.

#### **Roofs**

7.4.2 Pitched roofs are essential to maintain the traditional building forms. Welsh slates are the predominant material, though artificial slate of an appropriate colour could be acceptable. Appropriate materials are needed to match the requirements of each building. Concrete tiles are unacceptable on traditional buildings as are rooflights on the front elevation which disrupt the heritage appearance. When possible, photo voltaic (PV) panels on roofs should be on rear elevations and their metal frames should always be the same colour as the roofing materials.

#### **Chimneys and pots**

7.4.3 Chimneys requiring repair should be reinstated or rebuilt accurately to the original height and profile, in materials to match the existing, which in most cases in Mumbles, is brick. Original clay pots should be replaced appropriately or reinstated where necessary.

#### **Ironwork**

7.4.4 Decorative ironwork, such as railings and balconies should be retained and carefully repaired or, if necessary, reinstated accurately to the original pattern and detail in a similar material, usually wrought or cast iron.

#### **Shopfronts and signage**

7.4.5 Traditional shopfronts should be retained and opportunities to reinstate heritage designs should be required whenever alterations are proposed. New or replacement shopfronts and their signage should display good proportions, well thought out detailing and quality materials. They should respect the period of the building but simplicity of design often produces more convincing results than excessive 'Victoriana'. Detailed drawings, particularly of joinery construction, should accompany applications for proposed new shop fronts.



Loss of heritage fenestration and window bars (above) changes the character of the building and creates a detrimental neighbour for adjacent historic buildings. Remedial works (below) seek to reinstate more appropriate fenestration pattern and style.



## Guidance for new development within Heritage Areas

7.5 Where inappropriate design forms, materials and detailing of more recent development have occurred - such as examples on the seafront Mumbles Road and Overland Road, this has been detrimental to the streetscape, the heritage setting and the environmental qualities of the Conservation Area.

7.5.1 Individual infill developments reflect the taste and design approach of their eras, but where they have respected the principles of the historic building line, and of the scale, massing and form of their neighbours, they are generally absorbed into the streetscape with success.

7.5.2 Where new development is proposed it is important that it is guided by sound principles of urban design, as well as sympathetic detailing in relation to its historic context. All forms of new development within the Conservation Area should:

- preserve and reinforce the distinctive pattern of traditional development, including street patterns, open spaces and trees, plot boundaries & boundary treatments;
- have regard for existing building lines & the orientation of existing development;
- respond to the particular rhythm and articulation of the subdivision of the streetscape and individual buildings in terms of bays and openings that break up the façade;
- reinforce the distinctive character and grain of the particular character area through an informed understanding of its building forms and styles, features and materials. Pastiche forms of development and the superficial echoing of historic features in new buildings should be avoided;
- respect the scale and massing of surrounding buildings. It is essential that new development is not out of scale with

existing buildings by way of its height, floor levels, size of windows and doors, overall massing and roof scape;

- maintain key views and vistas within, into and out of the Conservation Area; and
- where possible, minimise the visual impact of parked vehicles and the provision of parking areas on the streetscape and landscape setting of historic streets and buildings.



Development that is appropriate within its setting. It is not attached to a traditional design, it introduces new design forms and materials that add to the seaside context, and it sits within the robust sea defences

7.5.3 Where new development is proposed for areas that are adjacent to the Conservation Area, it will be equally important for care and consideration of the impact of the intended urban design and detailing.

7.5.4 Where appropriate, all forms of new development should respect the principles listed above, with particular concern to:

- ensure new development continues the local scale, form and materials in order to reinforce the distinctive architectural character of the immediate context;
- consider the impact of new development on key views and vistas; and
- ensure that new road layouts and parking arrangements have a limited impact on the streetscape qualities of the locality. Sensitive layout, designs and landscaping are required to reduce the areas of tarmac and lines of parked cars;

7.5.5 Good quality, contemporary designs may be appropriate in the Conservation Area, but the concern must be to avoid incongruous and low grade development.

## Management framework for the Public Realm

7.6 The public realm has the potential to make a significant contribution to the appearance and use of the Conservation Area. By creating a high quality, attractive streetscape and improved open space, a better stage can be created for appreciating the attractive historic townscapes of Mumbles.

7.6.1 Old photographs of Mumbles show the simple uncluttered designs throughout the public realm. Present day use of these areas including the needs of vehicles and associated parking, pedestrian routes and the supporting street furniture and signage create new requirements where there are few traditional answers.

7.6.2 The treatment of the spaces between the buildings are critically important in the overall quality and character of the Conservation Area and need to follow sound principles of urban design and respect for the heritage qualities of the Conservation Area. Specific issues to be addressed include:

- **Context** - an appreciation of the local setting and identity of an area coupled with a sympathetic choice of materials and details to respond to, and reinforce, the local character of the place.
- **Creating spaces and places** - the degree of openness or enclosure of a space, together with its scale, form and massing, helps to give it a character and identity and reinforces issues of safety, security, comfort, variety and interest.
- **Encouraging activity** - active frontages help promote activity and vibrancy as well as providing overlooking and natural surveillance to a space or street.
- **Variety and interest** - like the buildings in a street scene, the public realm needs as much careful consideration of the balance of uniformity and variety, to create a range of opportunities and settings for a variety of users, amenities and social groups.

7.6.3 A simple palette of materials, planting and street furniture should be considered for the Conservation Area as a whole to limit any confusion of solutions.

7.6.4 Fundamental to the appearance of the Conservation Area are the stone boundary walls. These need to be protected and repaired where necessary using the correct local stone. The use of other materials should be limited to selected areas where a consistent material – e.g. brick, railings or hedge, are appropriate in each location.

7.6.5 The most important public open spaces follow the seafront promenade are owned and managed by the Council. A comprehensive management plan is required to coordinate and maintain the designs, materials and planting of these key locations.

7.6.6 The Council is undertaking preliminary design and feasibility work on a new Coastal Protection scheme in the area between Knab Rock and the Dairy Car Park which will be the subject of a future separate public consultation. The scheme aims to address the current condition of the sea wall and provide an improved standard of protection against the risks of flooding. It will further provide the opportunity for the widening of the promenade, improve accessibility of the foreshore and enhance the public realm to create a high quality, sustainable and attractive waterfront. The scheme will require careful design to integrate the new defences with adjacent areas of existing public realm, areas of existing public open space and highways.

7.6.7 The steep wooded hillsides above the Conservation Area provide a valuable setting and boundary for the Conservation Area. The protection and management of these spaces is vital to ensure the long term setting for the town.

## Specific Guidance

7.7 The following indicative list identifies a number of key projects requiring action within the Mumbles Conservation Area.

### Tackling unused prominent buildings

7.7.1 Encouraging investment to reuse the historic building stock must be seen as a priority. A number of key heritage buildings are at risk and others which are empty have a significant adverse impact on the historic townscape. Immediate action is needed to prevent the further deterioration of some buildings e.g. empty public houses on the seafront. Without viable uses it will be difficult to maintain these critical buildings.

### Improving shopfronts and signage

7.7.2 The visual impact of inappropriate replacement and badly maintained shop frontages and signage detracts from the heritage environment. The quality of shopfronts is an important indicator of the prosperity of the area, and at present too many unsightly frames and signs detract from the qualities of the historic townscapes. All shop owners must be made aware that any changes or replacements of elements of a shopfront within the Conservation Area will be likely to require planning permission.

7.7.3 The Shopfront & Commercial Frontage Design Guide SPG was adopted in January 2017 which provides specific guidance on such works. Owners should be aware that there are currently few permitted development opportunities with commercial properties. It will be important that all future changes to shopfronts and signage within the Conservation Area provide detailed planning applications.

### Traffic and parking appraisal and projects

7.7.4 Throughout the Conservation Area residents have difficulty parking their cars, shoppers struggle to find parking spaces and visitors to the seafront on busy days find a

serious lack of opportunities to park. All three demands in this historic area, which was not designed for such vehicular use, overlap in their search for spaces and increase the circulating traffic problems.

7.7.5 An appraisal of the traffic and parking needs in the Conservation Area is needed to identify projects to alleviate the current situation

### Oystermouth Square development

7.7.6 The existing parking and grassed area on the seafront side of the Mumbles Road and Newton Road junction has been identified for new mixed development which retains an area of open space to protect views from Newton Road to the sea. Outline Planning Permission has been granted which has an approved development brief SPG (2006), which will need to be updated in due course.

### Oystermouth Castle Heritage Park

7.7.7 Mumbles Community Council has proposed that a Heritage Park be designated in the Local Development Plan. The aim is to protect and enhance Oystermouth Castle in its setting following the HLF funded scheme to improve access and interpretation. This would include all surrounding open space – including Castle Acre to the north, woodlands, and historic remains such as the lime kilns beyond Castle Road.

### Funding Support

7.7.8 To encourage the protection and reuse of historic buildings that are either vacant or in poor condition, such as some seafront inns, grant funding opportunities need to be explored.

## Local Listing in the Conservation Area

7.8 The purpose of Conservation Area designation is to provide added protection for the many heritage buildings which do not possess the individual characteristics suitable for full Statutory Listing.

7.8.1 This appraisal also provides the opportunity to provide additional recognition with a Local List of heritage structures and buildings having local historic or architectural value, group value, or visual interest as part of the setting of Listed buildings, though not on the Statutory List.

7.8.3 With the assistance of local representatives, there is scope to prepare a selection of properties that are considered worthy of additional protection by being included on a Local List of heritage buildings and structures.

7.8.4 The following examples have been identified for potential inclusion within the proposed Mumbles Conservation Area.



Mumbles Methodist Church, Mumbles Road



Castleton Walk Arcade, Newton Road



32 Newton Road



The Village Inn, 580 Mumbles Road



Shelter, Southend Gardens



Bowls Pavilion, Mumbles Road



The George, Mumbles Road

## Conservation Design Guidance

7.9 The following adopted SPG's are relevant:

7.9.1 Shopfront & Commercial frontage Design Guide SPG was adopted in January 2017. This document provides specific guidance on new shopfronts, access, signage and lighting, security and other features and considerations.

7.9.2 The Infill and Backland Design Guide SPG was adopted in 2014 and provides design guidance for up to 10 dwellings in urban, suburban and rural locations that are within the settlement boundary.

7.9.3 The Design Guide for Householder Development SPG helps householders and their representatives when preparing applications for extensions and other alterations to dwellings. This document has recently been updated to reflect changes to permitted development rights for householders in Wales and needs to go back through the public and stakeholder consultation to then be readopted as updated SPG.

## Planning Control Measures

### Article 4 Directions and Permitted Development

7.10 Article 4 Directions can be imposed by local planning authorities to control certain alterations to dwellings that would otherwise be automatically 'permitted development' under the General Permitted Development Order (GPDO) 1995 and not requiring planning permission. This extra planning control is primarily used where the character of an area of acknowledged importance would be threatened.

7.10.1 For example, the replacement of windows, doors, roof coverings etc. can come under planning control, the object being to prevent works that are considered to be damaging or inappropriate to the historic fabric or features of the buildings and historic townscapes.

7.10.2 The current Conservation Area is covered by an Article 4 Direction which was introduced in 1978 and based on the Town & Country Planning Act 1971 and the Town & Country General Development Order 1977. The Directions predominantly relate to the scale and location of new development and extensions to existing buildings. Controls of materials and detailed designs are not included. As this does not provide a satisfactory protection for the built heritage, a new Article 4(2) Direction will be needed which covers all permitted development. It will be important to encourage owners to repeat traditional designs when any further replacements are considered. Withdrawing Permitted Development Rights will only affect any new changes to properties with the key aim of protecting the overall appearance of each traditional building and terrace.

7.10.3 It should be noted that such a Direction only applies to properties in use as dwellings, and particularly terraces as a grouped unit of development. Buildings in commercial use do not have the same permitted development rights.

7.10.4 It is recommended that an Article 4 (2) Direction is imposed on historic residential properties within the Conservation Area. The Mumbles Conservation Area is of unique interest and the aim is to help prevent further deterioration of the heritage details and the degradation of the historic buildings and townscape.

7.10.5 The residential properties considered suitable for an Article 4 (2) Direction and the removal of currently permitted development rights are located throughout the proposed Conservation Area. Particular areas of concern include the 'Seafront' and the 'Terraces'.

7.10.6 Owners of commercial properties should be aware that almost any changes to their buildings requires a planning application – this includes windows, doors, roofs, wall finishes, aerials, shopfronts and signage.

7.10.7 The classes of currently permitted residential development which could be covered by the Article 4 (2) Direction include:

- Enlargement, improvement or other alteration to the public face of a building;
- Design and materials utilised for walls, windows, doors and rain water goods;
- Addition or material alteration to the shape, volume or materials of the roof;
- Erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure;
- Cladding of any part of the exterior with artificial stone, timber, plastic or tiles;
- Rendering or painting of the exterior masonry/brickwork of the building;
- Paint colours for existing painted surfaces not in accordance with Council guidance; and
- Installation, alteration or replacement of a satellite antenna, etc.

7.10.8 The implementation of an Article 4(2) Direction for residential properties within the proposed Conservation Area provides increased protection especially where there is the threat from small scale unsympathetic works. The removal of permitted development rights as outlined above is a separate process to the conservation area review and will require further consultation and reports to the Council.

### **Mechanisms for monitoring change**

7.11 A review of the Conservation Area Appraisal and Management Plan will be required to encompass development changes and any new priorities and proposals.

7.11.1 A key tool to monitor changes could include a new dated photographic survey of the Conservation Area. Regular updates supported by development management information will identify most development changes.

7.11.2 Further historic research of the Conservation Area will be beneficial. The use of historic maps, drawings, paintings or

engravings and old photographs can be used to inform the accurate restoration of heritage properties and townscapes.

### **Community involvement**

7.12 An ongoing programme to raise awareness of the conservation area and its significance should be continued as part of the potential regeneration strategy. It is essential that views and opinions are sought from both those who live, work and visit the Mumbles area and from the local and national organisations which have a responsibility towards the well-being of the town. This allows this Management Plan to consider all the conservation issues which effect its future management and prosperity. Consultations were therefore undertaken as part of the production of this document.

### **Community consultation and engagement**

7.13.1 The development of this Conservation Area Appraisal and Management Plan will have been assisted by a local consultation process including advice from local representatives, responses to a local exhibition and public meetings. Continuing community review and involvement will be managed by Swansea Council to provide the basis for review and pro-active promotion of the conservation aims and other heritage initiatives within the Conservation Area.

### **Conservation education and training**

7.13.2 An associated element of the management plan will be to incorporate local education and training measures where possible, as they will be necessary to sustain a conservation based approach to the long-term management of the area.

7.13.3 The Management Plan proposes:

- Appropriate training and development for the Council's conservation, planning and regeneration staff; and
- Preparation and distribution of 'living/working in a conservation area' leaflet to describe the implementation of the revised boundary and introduction of article 4.



## Action plan summary

8.10 The following actions have been identified in this document for early implementation to further the awareness and achievements of conservation in the Mumbles Conservation Area. Further definition of these priorities will be needed by Council officers, local representatives, other stakeholders and public consultation to prepare a programme for implementation:

### Planning Policy & Strategy:

- The adoption of the Mumbles Conservation Area Appraisal and Management Plan following public consultation;
- Ensure guidance in this document is linked to and consistent with the emerging Local Development Plan policies for the Mumbles; and
- Preparation of a programme for those responsible for monitoring change.

### Community involvement:

- Identify a Conservation Area Advisory Committee;
- Training and Development of Conservation and Regeneration Staff;
- Promotion of a 'living/ working in a conservation area' leaflet; and
- Local availability of the Conservation Area Appraisal and Management Plan documents.

### Planning Measures:

- Preparation of Local List of heritage properties to inform emerging Local Development Plan; and
- Review and consultation on introduction of Article 4 (2) Direction limiting permitted development throughout the proposed Conservation Area.

# Appendices



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