



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Planning Committee

At: Council Chamber, Guildhall, Swansea

On: Tuesday, 8 January 2019

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: 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 and T M White

Agenda

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| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Minutes of the previous meeting(s) as a correct record. | 1 - 6 |
| 4 | Items for Deferral/Withdrawal. | |
| 5 | Determination of Planning Applications under the Town & Country Planning Act 1990. | 7 - 303 |

Next Meeting: Tuesday, 5 February 2019 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Thursday 20 December 2018

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 4 December 2018 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M B Lewis
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 H Jones

39 Disclosures of Personal and Prejudicial Interests.

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

Councillor M B Lewis – Personal – Minute No.43 – Item 8 – 2018/1873/RES – Councillor A S Lewis, the Local Member who is speaking on the application is my wife.

40 Minutes.

Resolved that the Minutes of the Planning Committee held on 6 November 2018 be approved and signed as a correct record.

41 Items for Deferral/Withdrawal.

None.

42 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 that: -

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

#(Item 1) – Planning Application 2018/2238/FUL - Erection of part single storey, part two storey industrial/warehouse unit and ancillary office space, circulation and parking, landscaping and associated works at Plots 7B, 8 and 9 Felindre Business Park, Ffordd Parc Felindre, Llangyfelach, Swansea

A visual presentation was provided.

Meryl Lewis (agent) addressed the Committee.

Report updated as follows:

Following further information from the applicant, Highways have confirmed that Condition 14 (traffic lights) is no longer required - Condition 14 to be deleted.

Informative 2 – the starting hour to be amended to 07.30 hours to tie-in with the Construction & Environmental Management Plan in condition 9.

(Item 2) – Planning Application 2018/2020/FUL - Installation of a gas connection in the form of a new above ground installation and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping at Land at Abergelli Farm, Felindre, Swansea

(Item 3) – Planning Application 2018/2021/FUL - Installation of an electrical connection in the form of a new 400kV underground cable to export power from the Abergelli Power Station to the National Grid Electricity Transmission System at the Swansea North Substation, including associated engineering operations and landscaping at Land at Abergelli Farm, Felindre, Swansea

(Item 4) – Planning Application 2016/1619 - Demolition of outbuildings and construction of two detached dwellings at Land to Rear of Glanmor Court, Park Drive, Uplands, Swansea

A visual presentation was provided.

(Item 5) – Planning Application 2018/1279/RES - Residential development comprising 70 dwellings houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425) at Land at Bryn Hawddgar, Clydach, Swansea

A visual presentation was provided.

(Item 6) – Planning Application 2018/1537/RES - Residential development comprising of up to 92 dwellings with associated access, drainage and public open space (Details of access, appearance, landscaping, layout and scale)

pursuant to Planning Permission 2013/0617 granted 30th October 2017 at Land South Of Glebe Road, Loughor, Swansea

A visual presentation was provided.

Cai Parry (agent) addressed the Committee

(Item 7) – Planning Application 2018/1848/FUL - Retention of change of use from residential (Class C3) to 6 bed HMO (Class C4) and addition of rear dormer and two front roof lights at 166 Rhyddings Terrace, Brynmill, Swansea

A visual presentation was provided.

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

(Item 8) – Planning Application 2018/1873/RES - Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale) at Land to the Rear Of 5-39 Brodorian Drive, Cwmrhydyceirw, Morriston, Swansea

A visual presentation was provided.

Councillors A S Lewis & C R Evans (Local Members) addressed the Committee and spoke against the application.

Informative 5 added:

The Highway Authority has advised that due to the width of the road, the highway will not be adopted by the Council.

#(Item 10) – Planning Application 2018/2101/RES - Demolition of existing on-site building/structures and construction of purpose built student accommodation comprising of four blocks of between 5 - 6 stories (706 bed spaces in total) with ground coffee shop/cafe (Class A3) and Gymnasium (Class D2) together with ancillary communal uses including management/laundry/ common room car and bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works - Approval of Reserved Matters - details of Access, Appearance, Landscaping, Layout & Scale pursuant to Conditions 3, 6, 7, 8 & 10 of Outline Planning Permission 2016/1573 granted 22 May, 2018 at Land at The Former Unigate Dairy Site, Morfa Road, Swansea

A visual presentation was provided.

Matthew Gray (agent) addressed the Committee

Highway Observations reported as follows:

The additional submitted parking documentation does nothing to move the recommendation contained in my original report. The measures proposed are already part of the parking SPG which underpin the reduction in the first place for PBSA – they cannot be counted twice.

Condition 1 amended to read:

- Application **APPROVED** in accordance with recommendation
- Condition 1 amended to read:

The development shall be carried out in accordance with the following approved plans and documents: (4501 A001 A Site Plan as Existing; 4501 L001 A Site Location Plan; 4501 SK101A Site Plan as Proposed; 4501SK102 A Block 1 – Ground Level 1 Plans; 4501 SK103A Plans; 4501 SK104A Block 2 – Ground Level 1 Plans; 4501 SK105 A Block 2 – Typical and Roof Plans; 4501 SK106 A Block 3 – Ground Floor Plan; 4501 SK107 A Block 3 – Level 1 Plan; 4501 SK108 A Block 3 – Level 2 - 4 Plan; 4501 SK109 A Block 3 – Level 5 Plan; 4501 SK110 A Block 4 – Ground Floor Plan; 4501 SK111 A Block 4 – Level 1; 4501 SK112 A Block 4 – Level 2 - 4 Plan; 4501 SK113 A Block 4 – Level 5 Plan; 4501 SK114 A Sections AA BB, 4501 SK115 A Section CC; 4501 SK119 A Block 3 – West North Elevations; 4501 SK120 A Block 3 Courtyard Elevations; 4501 SK123 A Block 4 – Courtyard Elevations; 4501 SK124 A Detailed Elevations; 4501 SK127 A 3D Visualisations; GL0986 Landscape Management Plan; GL0986 05 Sketch Landscape Masterplan; GL0986 06 Soft Landscape; GL0986 07 Hard Landscape; GL0986 08 Central Plaza Sections - received on 27 September, 2018.

4501 SK116 B Block 1 – Elevations; 4501 SK117 B - Block 2 – Elevations; 4501 SK118B Block 3 – East and South Elevations; 4501 SK121 B Block 4 - East_South Elevations; 4501 SK122 B Block 4 – West_North Elevations; 4501 SK125 B 3D Visualisations; 4501 SK126 B 3D Visualisations; 30 Nov 2018 4501 SK128 B 3D Visualisations – (amended plans received 30 Nov. 2018);
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

Note: Committee adjourned for a 5 minute comfort break at 4.15pm

#(Item 11) – Planning Application 2018/2230/FUL - Change of use from a building in use as a care home to 8 no. self contained flats at 54-56 Eaton Crescent, Uplands, Swansea

A visual presentation was provided.

Matthew Gray (agent) addressed the Committee.

Councillor I M Mann & N J Davies (Local Members) addressed the Committee and spoke against the application.

1 late letter of objection reported.

#(Item 12) – Planning Application 2018/2290/S73 - Construction of a purpose built student accommodation building of six / seven storey block - 245 bedspaces with ancillary communal facilities and associated works - Application under Section 73 to vary condition 33 (Plans) of planning permission ref. 2007/2829 and 2008/1990 (following 2018/2015/NMA) at Land At New Cut Road/Morfa Road, Swansea

A visual presentation was provided.

Terri-Anne Cross (agent) addressed the Committee.

Additional condition 5 added as follows:

Prior to the occupation of the relevant part of the development hereby permitted, the secondary kitchen / living windows on elevation denoted 3 – 3 shall be fitted with obscure glazing, details of which shall first be submitted to and approved in writing by the Local Planning Authority. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

(Item 13) – Planning Application 2018/2320/FUL - Conversion of existing property to a mixed-use development comprising ground floor retail / commercial (A1/ A2 / A3), first floor offices (B1), conversion of upper floor to residential with the construction of two additional stories creating a 6 storey building for residential providing a total of 52 no. residential units together with external car parking, bin storage and ancillary works at Orchard House, Orchard Street, Swansea

A visual presentation was provided.

Phil Baxter (agent) addressed the Committee.

Application approved subject to the completion of a Section 106 Planning Obligation.

2) the undermentioned planning application **Be Deferred** for a Site Visit:

#(Item 9) – Planning Application 2018/2001/FUL - Redevelopment of the site to provide five detached dwellings, and two pairs of semi-detached dwellings with one pair of garages serving plots 1 and 2 and two detached garages serving plots 4 and 5 with associated access, parking and landscaping at Greyhound Inn , Llanrhidian, Swansea

Prior to deferral:

A visual presentation was provided.

Phil Baxter (agent) and Janice Williams (objector) addressed the Committee.

Report updated to show 100 late letters of support, 2 late letters of objection, 3 letters of comment and further comments from the Head of Transportation & Engineering.

43 Exclusion of the Public.

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

Resolved that the public be excluded for the following items of business.

(Closed Session)

44 Planning Enforcement Report.

The Head of Planning and City Regeneration presented a report which outlined the background history to the issues surrounding the works undertaken to an outbuilding in the garden of a property.

A visual presentation was provided.

Resolved that

- 1) an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) be authorised to require the removal of the building and associated materials from the land.
- 2) The period for compliance with the Notice shall be 6 months after the Notice takes effect.
- 3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings.

The meeting ended at 5.11 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: 8th January 2019

Bay Area Team Leader Liam Jones - 635735	Area 1 Team Leader: Ian Davies - 635714	Area 2 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	2018/2001/FUL	Greyhound Inn, Llanrhidian, Swansea, SA3 1HA Redevelopment of the site to provide five detached dwellings, and two pairs of semi-detached dwellings with one pair of garages serving plots 1 and 2 and two detached garages serving plots 4 and 5 with associated access, parking and landscaping	Approve Subj to S106
2	2017/1822/OUT	Land West Of Llangyfelach Road, Tirdeunaw, Swansea Outline planning application (with all matters reserved apart from strategic access junctions) for residential led mixed use development, to be developed in phases, including: Ground preparation works as necessary, including the regrading of site levels, up to 1950 no. dwellings (Use Class C3, including affordable homes) of which 1160 no. units would be developed within the LDP Plan period, the creation of a link road, local centre provision of a primary school, community facilities, Public Open Space including facilities for children, and areas of landscaping (including sustainable drainage systems), outdoor sports provision including playing pitches, associated services, infrastructure and engineering works including new vehicular access, improvements to the existing highway network, new roads, footpaths / cycleways, and ancillary works.	Approve
3	2018/1932/FUL	Land At Cambrian Yard, Cambrian Place, Pontarddulais, Swansea, SA4 8TB Demolition of existing buildings and re-development of site to provide 31 residential units as associated works	Approve

Item	App. No.	Site Location	Officer Rec.
4	2018/1894/RES	Former Cefn Gorwydd Colliery, Gowerton, Swansea, SA4 3AN Construction of 99 dwellings along with associated access, parking, landscaping, open space and engineering works (Reserved Matters application for the details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2017/1451/OUT details pursuant to Conditions 6 (Japanese Knotweed), granted 10th August 2018) and submission of 7 (drainage), 11 (on-site culverts), 12 (auto-track), 13 (site intrusive investigations for mine entries), 15 (historic environment mitigation), 27 (tree protection), 28 (boundary treatment) and 29 (wildlife habitat protection plan) of outline planning permission 2017/1451/OUT	Approve
5	2018/2354/FUL	112 Rhyddings Terrace, Brynmill, Swansea, SA2 0DS Change of use from residential (Class C3) to 5 bedroom HMO for 5 people (Class C4)	Approve
6	2018/2392/FUL	Lundy Cottage, 1A Bay View Terrace, Brynmill, Swansea, SA1 4LT Change of use from residential (Class C3) to a 3 bedroom HMO (Class C4)	Approve
7	2018/2471/FUL	3 Humphrey Street, Swansea, SA1 6BG Change of use from mixed use retail (Class A1) on ground floor and first and second floor flat (Class C3) to a 5 bedroom HMO for up to 6 residents (Class C4), single storey rear extension and fenestration alterations to front elevation	Approve

Planning Committee – 8th January 2019

Item 1 (Cont'd)

Application Number:

2018/2001/FUL

UDP - EV16 - Small Villages

Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV26 - Area of Outstanding Natural Beauty

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (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 - 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 - 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)

Site History

App Number	Proposal	Status	Decision Date
2017/0737/FUL	Erection of a marquee to house a children's play area for temporary period of 18 months	REF	08.06.2017

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Item 1 (Cont'd)	Application Number:	2018/2001/FUL	
2018/0977/FUL	Detached dwelling	PCO	
2018/2001/FUL	Redevelopment of the site to provide five detached dwellings, and two pairs of semi-detached dwellings with one pair of garages serving plots 1 and 2 and two detached garages serving plots 4 and 5 with associated access, parking and landscaping	PDE	
2016/1717	PRE APP for a detached dwelling	POSP RE	26.10.2016
2016/0453	Temporary use of the fields as campsite and carpark from 9th June to 20th June (inclusive) 2016	APP	20.04.2016
2015/0421	Temporary use of the fields as campsite and carpark from Friday June 12th to Monday 22nd June 2015 (inclusive)	APP	13.05.2015
2013/1667	Temporary use of the fields as campsite and carpark	APP	17.01.2014
2012/1414	Temporary use of the field for tents between 14th - 16th June 2013 inclusive	APP	27.12.2012
2011/0560	Single storey side extension, first floor side extension, two storey part single storey rear extension with side and rear canopies	APP	17.02.2012

INTRODUCTION

This planning application was presented to the Planning Committee at the 4th December 2018 meeting. During that meeting, the Committee resolved to defer the determination of the application for a Committee site visit. The site visit is scheduled to take place on the 8th January 2019 (the morning of the January Committee meeting).

Item 1 (Cont'd)

Application Number:

2018/2001/FUL

This planning application is therefore re-presented to the Committee for it to determine the application. Members of the Committee may recall that there were several letters of objection and support received following the writing of the previous planning report (these were listed in the update sheet provided to members at the start of the December meeting). The original report has consequently been amended, so that the report makes reference to the additional letters of objection and support received. The report has also been amended to reflect the latest set of comments received from the Head of Transportation and Engineering (which were also included within the update sheet)

RESPONSE TO CONSULTATION

The originally submitted application proposed 7 dwellings. The application was initially publicised by means of displaying a site notice within the vicinity of the site and by sending individual consultation letters to three neighbouring properties. The proposed scheme was then amended and proposed 9 dwellings. The revised proposals were re-publicised by displaying a site notice within the vicinity of the site. The proposed scheme was then amended for a second and final time (the third iteration of the scheme), although the scheme still proposes 9 dwellings. These revised proposals were again re-publicised by means of displaying a site notice near the site.

The correspondence referred to below, is a combination of the correspondence received during the three publicity exercises.

65 letters of OBJECTION have been received, together with a PETITION OF OBJECTION containing 324 signatures. The grounds of objection contained within the letters and objection are summarised as follows:

- The pub was a very viable business until the previous landlord moved out
- The applicant has intentionally run down the business to pave the way for the proposed housing scheme.
- Accounts available from Companies House show that the pub was well supported, and would be again under the right management.
- Demolition of this Public house will not only change the nature of the village, but will remove a cherished amenity which is at the heart of the village and a meeting place for the locals and those further afield.
- The proposed high density development will do nothing for the local community, especially as the houses will not be affordable to local families, which is what is required in this locality.
- The only Pub left in the area will be the Welcome to Town, as the Dolphin is due to close.
- The local school is at capacity.
- Concerns about the sewerage system which cannot cope.
- The local community and tourists have lost the North Gower Hotel. The loss of the Greyhound Inn will be another nail in the coffin for the local community.
- While there is a clear need for local housing we cannot dismiss the importance of a public house to the local community and the things they mean to it. They are meeting places, long term employment hubs, they provide satellite business support and they can be seen as the social glue that keeps a community together.

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Item 1 (Cont'd)

Application Number:

2018/2001/FUL

- I am a strong believer that if it is bought as a pub, it should be sold on as a pub and the Greyhound Inn has a history that goes back some 160 years,
- A similar application involving a local business, namely the Oldwalls garage application (2015/2031) which was turned down because "The proposal would result in unjustified residential development within the countryside, which would constitute a visually intrusive and suburbanising form of development, that detracts from the character of the area". What detracts more from the character of the area than the loss of a local public house?
- There is a right of way through the site to the agricultural fields at the rear.
- The Greyhound Public House should be maintained for the community in the Oldwalls area. It was a thriving business until the owner appeared to lose interest, and not the other way round as stated.
- The pub helped bring people together, limit social isolation and maintain community spirit.
- There will be no chance of getting the Pub back once houses are built.
- In 2016, 500 pubs closed nationally and nationally there has been a reduction by 17% since 2000.
- With the demographic population in the area demonstrating a shift towards an ever increasingly older population, such buildings and places to gather take on an even more important role
- It is really important to protect the integrity and heritage of a place and this application threatens the very fabric of the community.
- Losing such a key element of the village can also have financial as well as social ramifications.
- Pub closures have had repercussions for employment, nationally 24000 have left the hospitality industry and you need to value and reward your local pub as a community asset. This would give you social policy benefits, by supporting a hub of community cohesion and financial policy benefits in terms of tax revenue and adding to local economy.
- There are properties in the area that cannot be sold. There is no need for the new proposed houses.
- Having lived away from some time, it is very easy to see not only how important it is to locals, but also to tourism, especially in the summer months when locals and visitors alike would stop for food and drinks on their return from Llangennith. Due to its convenient location it would be sorely missed.
- The additional housing would bring more pupils to an already over-subscribed school and more traffic to the school drop-off as the road is too dangerous to be walked and buses are/should be provided for pupils living further afield.
- The Greyhound Inn is an invaluable tourist attraction, with a longstanding and fine reputation within the hospitality sector.
- Over the years, The Greyhound has been at the heart of our community. It could be again, under the right ownership.
- Since the current owners took back the running of the pub, there has been a noticeable decline in customers, not only in the bar area, but also in the previously popular dining area, despite the best efforts of the very welcoming staff
- The sudden decline in business was actually orchestrated by the owners themselves, in order to force closure and to support their current planning application.
- Up to thirty jobs were provided by The Greyhound previous management. These jobs for local people will be lost forever

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Item 1 (Cont'd)

Application Number:

2018/2001/FUL

- The closure of The Greyhound has resulted in a community which finds itself bereft of a previously valuable, indeed vital, facility. The Gower Peninsula will also lose one of its finest and enduringly popular tourist attractions.
- I would point out that within Oldwalls village there is no similar development and the building of 7 properties, in such a small area at the end of the main residential area that fronts the A4118, does not respect the distinctive character of both the natural and built environment of Gower
- It does not have a design that in its form, elevational treatment, detailing and use of materials is sympathetic to the architectural character of the village,
- It will involve a loss of land of recreational, natural heritage or amenity value
- It does not have an acceptable relationship with adjacent buildings, spaces and landscape, including coastal features,
- It will harm the amenity of neighbouring residents.
- It may be accessed without prejudicing highway safety but not without detriment to the character of the village
- The proposal does not comply with Development Plan Policies.
- The proposal does not comply with the adopted Gower AONB Design Guide.
- The site will restrict the views from the road as they cover the whole frontage.
- As for the viability of the business, under the previous tenant landlord, the Greyhound had high accolades and a loyal following as one of the best pub dining establishments in the region, including Swansea as a whole.
- The same people now run the Rake & Riddle in Penclawdd where they have replicated this success.
- The decline of the Greyhound has been solely down to the owner / management. It has been proposed that this decline has been more by design than back luck. However, if the previous tenant was still in situ the Greyhound would have remained a very much needed and profitable business.
- If Gower as a whole is to survive as a tourist destination we need places for these travellers to refresh and unwind, not more housing.
- The village does not require executive housing. Local farms require rural housing for the young people to maintain working on their family farms.
- Only one small village pub (The Welcome to Town) will be left which is far too small for the community and the tourists that Gower needs to sustain. Also local jobs are needed for our future generations
- The proposed plans will result in a negative social and economic impact on the community and surrounding area.
- I am the first to agree that there is a need for further housing in the Llanrhidian area. The current restriction by the Planning Department to only allow conversion of redundant farm buildings to allow holiday usage has had a serious impact on local families employed in agriculture and those on minimum wages to be able to work and live in the area they have grown up in. There is a need for affordable housing, but this should be located in Llanrhidian village to allow easy access for families to travel to and from school safely. The local development plan does not seem to have addressed this issue.
- By allowing planning on this site will encourage other public houses in the area to close because it is more profitable to build housing than to run a business

Planning Committee – 8th January 2019

Item 1 (Cont'd)

Application Number:

2018/2001/FUL

- False statements are being made by the current owner. He says its closure is due to economic decline; we know this to be untrue as until he recently took over the running of the pub, it was a very successful business, full car park day and night! I understand that offers have been made to buy the pub but they have been turned down
- It is also very difficult to understand how over the years, local people who have applied for planning permission for single dwellings for family and their children, on a not for profit basis, have consistently been turned down by the Planning Department, yet it seems large scale commercial developments that have a detrimental effect on the local community and tourism, appear to be supported.
- It is beyond our comprehension how one individual's financial gain can override the whole community and its future prospects, let alone the effect on tourism.
- What future has the village community with absolutely no amenities? Swansea City Council have to look at the bigger picture here, as Oldwalls alone has lost its village shop (for two houses) and now possibly the pub. Why would people want to move here with no local amenities?
- The Greyhound was thriving under the previous Licensee, who offered good food and good service. That's not surprising with 417 million pounds spent in Swansea and Gower in 2017 by tourists and 4.64 million visitors to the area. Since the recent change in management of the Greyhound, the quality of the offering has significantly diminished, with food hygiene ratings falling from 5 to 1
- 625 reviews on Trip Advisor averaging 4.5/5 should speak volumes within itself of this establishment which has historically provided a continuous source of income supporting local businesses with local produce which always seems to be forgotten.
- Visitors to the area have an essential requirement to be able to eat, drink and be entertained.
- It has been proven many times over that people will throng to areas with a wide and attractive choice of venues and will avoid those that are lacking in facilities with the obvious detrimental effect both socially and economically
- If this planning proposal is passed, then I would suggest that the validity of the process should be urgently examined in detail, because it would prove that the process is deeply flawed, and totally inappropriate for Gower.
- Where is the affordable housing?
- Overdevelopment of the site
- The recent Local Well-being Plan launched by Swansea Public Services Board (PSB) who stated in May, following 2 years of work, the Local Well-being Plan for Swansea was being launched. Every local authority in Wales has a PSB. They work with partners and organisations to improve the well-being - being healthy and happy in all areas of your life - of people in our areas.
- Early Years - Children have the best start in life to be the best they can be (they shouldn't be living on a busy main road that has no pavements for them to walk the mile to the school in Llanrhidian and back)
- Live Well, Age Well - To make Swansea a great place to live and age well (it is and in particular the Gower Peninsula is the idea area for recreational walks, cycling and family days out, enjoying a meal at the Greyhound Inn in Oldwalls)

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- Working with Nature - To improve health, supporting biodiversity and reduce our carbon footprint. (One Building, supplying recreational facilities and serving the public, rather than 7 homes covering the recreational area, which will be lost for ever)
- Strong Communities - To build strong communities with a sense of pride and belonging. (Llanrhidian and Oldwalls is a strong community, built by forging lifetime bonds with friends and neighbours, many of whom met at the Greyhound Inn and continued to meet there until the recent closure).
- 'Sharing for Swansea' - Our Cross Cutting Action is to make sure all services work together more in Swansea by sharing resources, assets and knowledge (please make contact with the PSB on this matter)
- It's not as if the application is for affordable housing that would actually benefit Gower.
- To build a cluster of 7 similar looking properties I believe will urbanise and destroy the rural character of our village.
- The proposal will result in highway safety issues.
- Given the clear position of National Planning Policy in relation to the importance of employment provision in rural communities, impacts of conversion on the local economy and considering the loss of village services including rural public houses, the proposed development is inconsistent with national policy in this regard.
- The planning application does not propose any affordable housing as part of the development.
- There is no reference in the applicant's Planning Statement to any consultation undertaken with the Design Commission for Wales.
- The design proposes relocating a current right of way, providing access for the owner of neighbouring property, over the existing car park. This has, been undertaken without any consultation or legal discussion
- The only supporter of the scheme, owns the last surviving Public House in Llanrhidian - The Welcome to Town - and currently has his house up for sale with plans to move away from the area. Hardly a representative of the community which will be affected by the closure
- The infra structure of schools, roads, Doctors, waste, power, sewage etc. will be affected adversely.
- I draw your attention to a planning application, also in Oldwalls, for three detached dwellings and one pair of semi-detached dwellings, that was refused in July 2016 (despite no local despite)
- A "cul-de-sac" style housing development is not in keeping with this hamlet, nestled within the first designated Area of Outstanding Natural Beauty. It is also at odds with the individualistic style of housing within Oldwalls.

101 Letters of SUPPORT have been received which are summarised as follows:

- My property is directly next door to the Greyhound and I give full support to the development, despite the inconvenience it will cause me.
- The owners of the Greyhound have made numerous attempts at encouraging local and holiday trade into the pub including new and varied menus, improved children's play area and redecorating.

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- Sadly, I have witnessed the decline in numbers of customers and without trade, the business cannot exist.
- Llanrhidian has three pubs and so losing one is not going to reduce the amenity in the village at all
- The plans for the development look great
- The proposal provides much needed local affordable housing
- How do the objectors know so much about the financial situation of the business?
- What benefit is there in having an empty pub standing rotting.
- It is well known that the Pub trade is struggling nationally; it is no surprise therefore that one of three pubs within very close distance is struggling.
- The objectors freely admit that they do not frequent the pub - how therefore do they expect the applicant to sustain a business when there is no local trade.
- The much needed family homes will ensure young families can remain on Gower
- The increased family homes will help secure numbers for Llanrhidian School securing its future
- The proposed dwellings will bring a boost to the economy
- The proposal is an appropriate scheme
- The family would not have taken this decision lightly and have made this huge decision with careful planning
- The owners of The Greyhound were left with no choice other than to close the doors to this pub or risk going bankrupt
- The objections are based on local gossip
- Due to the excessive business rates the business has been fighting a losing battle
- People do not fully understand how much it was costing to keep the Pub open
- Were all these objections and petitions in place when the North Gower Hotel closed its doors and a housing estate erected in its place? Was that such a bad decision and did it have a detrimental effect on the area?? I don't think so.
- People need houses and people would love to live in a beautiful location in Gower. Let's be realistic, The Greyhound will/could never open as a pub again, so if these plans are rejected it will become another derelict building. Is that what these objectors want?
- Any new development around Gower for extra affordable housing and the jobs it can create for locals is to be supported
- The Greyhound is not viable as a business and has been forced to close through a complete lack of local support
- There is a huge need for housing in the area especially for affordable.
- The local school still has low numbers having to expand their intake to neighbouring areas.
- Local businesses need the income generated from families.
- Local tradesman also need the revenue generated from developments.
- There is still a local public house in the area, which has benefited from the closure of the greyhound and will continue to succeed with more housing in the area.
- If the locals had used the premises then it wouldn't have had to close
- The plans look sympathetic to the local area and there has been a precedent with the redevelopment further up the Road of The north Gower hotel.
- Exciting times for the Gower
- More housing is needed & not enough brown field sites available in Gower

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- Several other similar businesses have closed under similar circumstances, how is this one any different?
- Too many times planning applications are turned down by 'NIMBY' petitions where people are so opposed to change.
- This development will provide much needed affordable housing in an area where children of local residents cannot afford to live.
- Many would love to relocate to the area, but the lack of available properties in the area is a real issue
- There are several other high quality public houses in the area. Whilst some may have lost their jobs at The Greyhound Inn, I'm confident that the more profitable/successful public houses in the area will gain additional business and require additional staffing.
- The proposal will bring a good sense of community to the Llanrhidian area
- Last year they renovated the pub and tried to pump new life into it but sadly it just couldn't survive.
- Would Llanrhidian residents want a Supermarket and Petrol Station there instead? I know I would prefer the houses that they are submitting to that
- Much rather see some nice properties on that site rather than what will soon become a very run down building which will soon begin to look derelict
- The Greyhound is situated in an area of outstanding beauty - and on the main road to north Gower. For holiday makers/visitors have to drive pass - a derelict property certainly does not give a good impression of the area.
- There was another hotel within a mile away from these premises The North Gower country club, again a business that closed to hard times - but now a lovely development has been built on the grounds -I wish to support this application as I feel sure a development of well-appointed properties would without doubt enhance the area
- The Greyhound has had to close and I can now quite understand the owners having to make what I am sure was a difficult decision. However you simply cannot keep a business open if you are not making a profit
- This site is within a village and would have little detrimental impact on the character of the area.
- The building would need a vast amount of money injected into it, making it unsustainable as a business.
- The side entrance was an accident waiting to happen- accessing the pub on a double blind bend.
- The local area has a lack of young families due to the house prices. Local people feel they have to move out of the area Due to the lack of housing in the area.
- You have a selection of pubs only a few mile away. The King Welcome to Town, Britannia, Kings Head, Oxwich Bay, Ship inn, Worms Head, Gower Inn All above providing the same sort of menu as the Greyhound.
- Gower is not short of pubs
- With the plans that have gone in 9 houses in total 4 of those 9 will be affordable to be administered by the family housing association this is an amazing opportunity
- It is hoped that The Welcome, in the neighbouring village, benefits from the closure of the Greyhound and the local choose to support it so it does not suffer the same fate through lack of local support.

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- I was fortunate to grow up on Gower from the age of 13 and if it was not for affordable housing in Llangennith I would not have been lucky enough to have been able to bring my children up on Gower, surrounded by family and friends, in a nourishing environment and superb local school.
- We are seeing far too many properties turned into holiday homes on Gower and if this development enables permanent residence then surely this is a good thing which will enhance village life.
- Some of the objections read like a personal vendetta
- If the local are so invested in the Pub- why haven't they bought it
- Many of the comments made surrounding the applicant and his family area libellous
- The personal and spiteful manner of the objections are nothing short of bullying
- The behaviour of local in this regard is embarrassing
- As the locals desire the pub to be open so badly - you would think they would behave in a manner that displays support for the business and may encourage a potential new owner
- The economy on Gower needs to be driven - with this development these points would be both be addressed. In the form of short-term employment gain in respect of the building of the residences, followed by the introduction and availability of new family homes to the area.
- There are 2 other pubs in this small village already
- It strikes me as very odd that so many people appear to have such an insight into the financial state of the business in question.
- Nobody other than the applicant can understand the financial pressures that the current owners face.
- How would the objectors feel if this business were their own?
- An article in the guardian just this week states that 25% of UK pubs have closed since 2001 - closure of pubs in Gower can hardly come as a surprise!
- I doubt very much that the Pub will reopen in the event of the planning permission being denied.
- With regards to concerns over the suitability of the road, I cannot understand how this will be any different to the current situation - the pub as it stands now creates a blind corner. In terms of volume of traffic entering and exiting the development, this is likely to be far less than caused by the pub. The greyhound car park is easily capable of holding 50+ cars, whereas the number of cars in 7 houses is unlikely to exceed 14 (assuming 2 cars per household).
- The houses are in-keeping with both Oldwalls, and Gower itself

3 letters of COMMENT have also been received which are summarised as follows:

- One from the resident who claims to have made a verbal cash offer for the business.
- The second from the applicant, categorically refuting that a verbal offer for the business was made and confirming that should the offer be tabled the applicant would be more than willing to consider.
- The third is from a resident challenging/refuting statements made within one of the letters of support.

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The Gower Society - OBJECT- We have studied this application and have the following observations to make:

1. As a principle our Society objects to the demolition of a once thriving business and Gower landmark (until relatively recently) but accepts that under planning legislation there may be very little that can be done to stop it happening.
2. The 7 proposed dwellings are in our opinion an over-development of the site. The design as presented with 5 houses virtually on top of the highway is purely to create space at the rear for two larger houses and garages.
3. The house designs are acceptable but we suggest that four houses fronting the highway with appropriate garages or access to garages from the highway is the maximum that should be allowed. Rear parking is not an issue.
4. The rear car park area was the result of the purchase of agricultural land that whilst hardcore surfaced, we think should never be built upon. It will set a precedent for further rear development between Oldwalls and Llanrhidian or other locations on Gower for that matter.

Whilst we are not minded to object to a more modest development on this site, we have no alternative but to object to the 7 proposed dwellings in this application.

Llanrhidian Lower Community Council - OBJECT

The Community Councillors of Llanrhidian Lower Community Council object to these development plans, they have a number of serious concerns relating to the proposed development:

- The Greyhound Inn has been a public house since the mid 1800's, it has been a thriving business and the focal point of village life for all these years and has only recently declined. The Councillors are aware that at least two local businessmen have approached the owners to buy the premises as a going concern, but these offers has been refused and subsequently the business has been closed. Given commitment, this business could again flourish as the pub is very popular with both local people and tourists. From October 2018, the village of Llanrhidian will only have one public house.
- The Welcome to Town is a very small pub and cannot cope with the volume of holiday makers in this area. The Greyhound Inn needs to remain as a public house, its closure is already having an impact on some local businesses, such as small caravan sites and businesses who provided its local produce.
- The Community Council have to date received 5 letters in opposition of these plans (attached) and two local people attended the CC meeting to express their opposition and query how they can voice their concerns to City and County of Swansea Planning Committee. A petition against the proposal has also been set up by one local resident and already has over 200 signatures.
- The submitted plans are not in line with the village building line, the planned development leads straight onto a busy main road with no pavement and the vehicle access onto this busy road would have restricted vision.

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- The proposal would result in unjustified residential development within the countryside, which would constitute a visually intrusive and suburbanising form of development, that detracts from the character of the area and fails to conserve or enhance the Gower AONB contrary to the requirements of policies EV1, EV2, EV16, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008.
- The proposal, by virtue of its unacceptable and inappropriate layout and design, would fail to respect the local pattern of development and would fail to preserve or enhance the character and appearance of the area and wider Gower AONB, contrary to Policies EV1, EV2, EV16, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008, the advice contained within T.A.N. 12 (Design) and the Council's adopted "Gower AONB Design Guide" 2011 and Residential Development Design Guide.
- There is a query as to how the sewage system would cope with this extra housing in the area, as there appears to be no mention of this in the proposal.
- Concerns were expressed over the precedence this proposal sets for other domestic development in an already isolated and deprived area in terms of the facilities available. Welsh Index of Multiple Deprivation 2014 (WIMD) for rural areas in Wales reveals that Gower 1 and Gower 2 are ranked most deprived in the access to services domain in the Swansea Bay West Area and both are within the 10% most deprived in Wales. LLCC are Gower 1 and this exacerbates the issue.
- A number of local farming families are being turned down for planning on their family farms, they are having to live out of the area and commute. The whole community's housing needs requires re-evaluation.
- Gordons Yard was recently been turned down for planning on some of the above grounds and that was an industrial brown-field site from which the owner was retiring. The Community Councillors would like to meet with the Planning Committee and carry out a site visit to discuss this planning application.

Rebeca Evans AM - I have been contacted by constituents expressing "extreme sadness at the loss of the important local amenity, The Greyhound Inn." They tell me that, "This has been an essential fundamental part of the local community, for around 160 years. It has been attended by all types locally, from farm boys to judges, all mixing together." They also talk of great family occasions that have been enjoyed there over the years, and the warm welcome that there has been for visitors. They commented that, until fairly recently, the pub served excellent food. "The departing tenants have shown what can be done, by taking a closed, dormant business and turning it into one of the most successful pub/restaurants locally, winning many awards in just two years," they add. My constituents tell me that, until two years ago the pub was "a highly prosperous and undoubtedly viable business. When the previous tenants were evicted by the owner, the business immediately began to fail, food ratings plummeted, service was appalling, the place was not maintained, and visitors voted with their feet." I am told that it is a "local belief that the owners always intended to run the business into the ground with the intent of gaining planning permission for a lucrative, expensive development on the site."

My constituents are concerned that the housing proposed is not an affordable housing project, which they acknowledge is needed in the area. They say that there are already highly priced properties on the market in the area, and there is no identifiable need for more. "This proposal would mean the destruction of part of our village's way of life."

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With the correct management this pub could once again become the profitable hub of our community, to the benefit of owners, tourists and locals," they say. They also tell me that the school is already at capacity and is rejecting children from neighbouring villages, the infrastructure is not in place to support seven more families. My constituents would be grateful if these points would be considered seriously in the application process, and would like to lodge their objection to the proposals.

Head of Transportation and Engineering

Background

This consultation response has been updated following the submission of a revised layout plan received on the 26th November 2018 (Reference 1101 Revision D), which has been undertaken following the previous Highway Authority response.

The existing site currently operates as the Greyhound Inn a public house with parking area. Vehicular access is taken directly from the main route through the area, which is unnamed. The carriageway along the frontage is subject to a 30 mph speed restriction, however this changes to unrestricted (60 mph) a short distance west of the site for westbound travel.

A proposed layout of the development has been provided. Any development at this location would be subject to safe and appropriate access and adequate design of an internal layout.

The unnamed road is rural in character and acts as a distributor road for the local settlement whilst connecting with areas further afield.

Access

The existing site has one point of vehicular access, it is deduced from the planning material and site observations that the agricultural field behind the existing Greyhound Inn is accessed through the car park.

The proposals seek to directly introduce two new access points to the residential development and indirectly result in a third separate access for the agricultural field. The field is the subject of a number of permissions relating to camp site type uses. Therefore there is concern about the number of access in close proximity, where there was previously only one.

It is noted that the plans include provisions for visibility in terms of height. It was advised that the plans also need to demonstrate the appropriate visibility splays can be achieved to the left and right of each access at the required set back distance. This has now been shown on the latest revision. The visibility splays shown are achieved through the frontages of properties either side of the proposed access. It is not acceptable to allow visibility through third party land, which is what each plot would become. Visibly splay envelopes should form part of the highway and would not be permitted to have any obstruction or planting (mature height) that would exceed 600mm.

A footway will be required to be provided along the frontage of the site to ensure the safety of pedestrians. The provision of a footway will provide safe refuge for vulnerable road users whilst negotiating any new accesses without needing to look both ways on the main route at the same time. It seems that a grass verge of 1.2 metres width has been provided, this is an improvement but not acceptable, although it is likely to increase in width if visibility is to be achieved.

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The access junction radii and road has now been shown on the plan for consideration. It is expected that the access is assessed for vehicular movements, in the case that the radii are tight, which they appear to be. It was advised that swept path assessments are carried out demonstrating that a removal vehicle and fire tender can successfully enter the site and exit in a forward gear. This has not been provided.

Internal route

As mentioned above there may be issues with road and junction widths. There are also no footways provided within the site, with the shared surface being instead opted for. Ideally the carriageway widths and footways would be provided to adoptable standards.

A swept path assessment is required showing two vehicles travelling in opposite directions and also required to show that the turning areas are adequate for vehicles to turn and exit in a forward gear.

Parking

Parking must be provided in accordance with the adopted supplementary planning guidance. It appears from the information that this is being provided although clarity in the plan would be appreciated, numbering each spaces to show the related plot.

Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

There is also a requirement with the planning guidance for visitor parking at the rate of 1 space per 5 units. This would be helpful to provide 2 spaces given the rural location and narrow internal route. This has not been provided.

Parking must be provided within the curtilage of each proposed unit. Garages will only be considered as parking spaces if they meet the minimum clear internal dimensions of 6 metres by 3 metres (for single garages). These must also be accompanied by a minimum of 6 metres length of driveway, which is not less than 3.6 metres in width. These dimensions have not been confirmed or shown on the plan

It is assumed that Unit Type C, referring to Plots 6, 7, 8 and 9 are two bedrooms properties as two parking spaces have been provided for each of these plots. This would be acceptable if correct and unacceptable if not.

Field Access

Whilst a new field access has been indicatively shown on a plan, if it is the intension to detach the access from the current location, the access to the field and its current permission should be considered fully within this application.

Conclusion

Whilst it is not envisaged that this level of development would require a Transport Assessment or Statement, the points originally raised in this consultation did need to be fully addressed. The issue of a revised layout provided some clarity and enabled a more considered audit.

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However, the issue with visibility and therefore safety together with the concerns regarding access and internal movement have not been resolved. It is therefore advised that the Highway Authority wish to object to this scheme on the grounds of highway safety.

Council's Head of Drainage and Coastal Management - No Objection subject to standard conditions

Council's Placemaking and Heritage Team Leader - With regard to the amended plans dated 21st November I have the following comments to make:

The design treatment of the backland affordable housing units (plots 6-9) has reverted to the earlier high quality 'barn' approach incorporating natural stone and timber cladding. Therefore on balance the AH now has a comparable quality to the private units. The suggestion of swapping one of the detached frontages houses with a pair of AH cottages has not been taken on board but given the architectural improvements, this is not considered to be sufficient to warrant a refusal.

There is one final issue highlighted by the street scene views from the main road - the main two storey gable to plot 8 will be visible through the backland access gaps and therefore the natural stone proposed for the frontages of the AH units (6-9) should be carried through to the prominent side gable. This can be ensured through a suitably worded condition.

Therefore approval is now recommended subject to ensuring stonework to the prominent two storey gable of plot 8.

Council's Housing Enabling Officer - No objection subject to the affordable dwellings being transferred to a Registered Social Landlord/Council and being DQR compliant.

Council's Tree Officer - No objection subject to a landscaping condition

Dwr Cymru/Welsh Water - No objection subject to standard conditions and advisory notes.

APPRAISAL

Full planning permission is sought for the erection of 5 detached houses and two pairs of semi-detached houses with associated detached garages, parking and landscaping at the site of the Greyhound Public House, Llanrhidian, and Gower. The proposed dwellings require the demolition of the existing Public House.

Policy Background

The site lies within the 'small village' of Oldwalls as defined by the City and County of Swansea Unitary Development Plan (UDP). It also lies within the Gower AONB. Consequently UDP Policies EV1, EV2, EV3, EV16, EV26, EV33, EV34, EV35 and HC3 are relevant to the determination of this application.

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The UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depending on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations.

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It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018.

On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies and related evidence that diverge from the UDP and need to be considered as significant material considerations for determining the proposed scheme. These include the following LDP policies, which are outlined below in their modified 'Matters Arising Changes' versions:

PS 1 In order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy, which requires that development is directed to the most sustainable locations within the defined settlement boundaries of the urban area and Key Villages and inappropriate development in the countryside is resisted.

PS 2 Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

PS 3 The Plan provides for the development of up to 17,645 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 15,600 dwellings for the Plan period. The Sustainable Housing Strategy is based on:

- Creating new neighbourhoods at Strategic Development Areas within, and on the edge of, established settlements;
- Allocating Non-Strategic Housing Sites within, and on the edge of, established settlements;
- Supporting windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land; and Allocating exception sites in Gower and Gower Fringe that will deliver high proportions of affordable housing and homes that provide for an identified local need.

In all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development.

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

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

H2 Provision will be made to deliver a minimum 3,518 affordable homes over the Plan period through setting targets for on-site provision of affordable housing (Policy H3); allocating Local Needs Housing Exception Sites (Policy H5); and providing a policy framework for determining 100% affordable housing rural exceptions sites (Policy H5A).

H3 On residential sites with capacity for 2 or more dwellings within the Gower and Gower Fringe Strategic Housing Policy Zones, on-site provision of Affordable Housing for Local Needs will be sought at the target percentage of 50%.

SI 1 Health inequalities will be reduced and healthy lifestyles encouraged by ensuring that development proposals reflect the spatial distribution of need for primary and secondary healthcare provision, ensuring such proposals are accessible by non-car modes and have the potential to be shared by different service providers; create sustainable places that accord with the principles of Place making; are supported by appropriate social infrastructure and community facilities, with good interconnectivity between places and land uses; maintain and/or enhance the extent, quality and connectivity of the Active Travel and green infrastructure networks; and do not result in significant risk to life, human health or well-being, particularly in respect of air, noise, light, water or land pollution.

SI 2 Development that would adversely affect the operation, or lead to the loss, of a community facility of local value will not be permitted unless

- i. An alternative facility of at least equal quality and scale to meet community needs will be provided; or
- ii. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or
- iii. Evidence is provided that the existing use is no longer viable.
- iv. Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use.

SI 5 Development will not be permitted on areas of open space unless: it would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or the substantive majority of open space provision on the site is to be retained and enhanced as part of the development and the functional use of the facility would be unaffected; or the development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location; or a satisfactory financial contribution to satisfactory compensatory provision is provided towards an acceptable alternative facility.

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SI 6 Open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on site facilities, or the improvement of existing local provision off-site, along with appropriate maintenance contributions.

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

ER 2 Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network, and where appropriate: create new interconnected areas of green infrastructure between the proposed site and the existing strategic network; fill gaps in the existing network to improve connectivity; and/or in instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets.

ER 4 Within the AONB, development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact will also be taken into consideration.

ER 8 Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where the need for development outweighs the nature conservation importance of the site; the developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.

ER 11 Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development will not normally be permitted that would result in: fragmentation or loss of Ancient Woodland; The loss of an Ancient or Veteran tree; Ground damage, loss of understorey or ground disturbance to an area of Ancient Woodland or Ancient or Veteran Tree's root protection area; A reduction in the area of other semi natural habitats adjoining Ancient Woodland; Significant alteration to the land use adjoining the Ancient Woodland; An increase in the likely exposure of Ancient Woodland, Ancient or Veteran Tree to air, water or light pollution from the surrounding area; Alteration of the hydrology in a way that might impact on Ancient Woodland, Ancient or Veteran Trees; Destruction of important connecting habitats relating to Ancient Woodland; Destruction of Plantations on Ancient Woodland Sites (PAWS); and/or Development in close proximity to within 15m of Ancient Woodland and Ancient and Veteran trees.

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CV 2 Presumption against development in the countryside, except where it is for specified uses, including affordable housing to meet local need at acceptable and sustainable locations within or adjoining settlements, or as minor extensions to small groups of dwellings in the countryside.

T 1 Development must be supported by appropriate transport measures and infrastructure, depending on the nature, scale and siting of the proposal.

T 2 Development must take opportunities to enhance walking and cycling access by incorporating within the site, and/or making financial contributions towards the delivery off-site. Developments must not have a significant adverse impact on Public Rights of Way or existing routes identified by the Active Travel (Wales) Act (2013)'s Swansea Integrated Network Map and should be designed.

T 5 All proposals must ensure that the design of development, together with any supporting transport measures and infrastructure:

- Maximises the accessibility of the site via public transport and Active Travel;
- Provides suitable facilities and a safe, attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- Allows for the safe, efficient and effective movement of vehicles, inclusive of service vehicles;
- Minimises vehicle speeds where appropriate;
- Considers the place and movement of any transport infrastructure in line with Streets Hierarchy and User Hierarchy concepts to ensure appropriately designed transport infrastructure;
- Does not encourage extraneous traffic unless there is a specific strategic need for an access route through the area;
- Does not give rise to any significant adverse effect on the natural heritage, and the historic and cultural environment is preserved and enhanced;
- Maintains the character of rural lanes and public paths;
- Complies with the principles of accessibility Access For All;
- Accords with standards of good practice, including the Active Travel Act Design Standards;
- Considers, and responds to, the findings of any relevant Travel Plan and/or Transport Assessment.

T 6 Proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles.

RP 3 Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for floodplain capacity.

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Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 9 Development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

EU 4 Development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure which does not form part of the utility provider's improvement programme will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

National Planning Policy

The following guidance in Planning Policy Wales (PPW) is of relevance:

Section 9.1.1 - The Welsh Government will seek to ensure that:

- previously developed land is used in preference to greenfield sites;
- new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- The overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Section 10.2.8 - Individual small shops and businesses, such as convenience stores and public houses, which are not part of established retail and commercial centres, can play an important economic and social role, particularly in rural areas and in urban areas with limited local provision, and their loss can be damaging to a local community. The role of these businesses should be taken into account in preparing development plan policies and in development management decision making.

The following guidance set out in TAN 6 (2010) is of relevance:

2.2.1 - Development plans should set out the spatial vision for rural communities. This should be based on a sound understanding of the functional linkages within the area and the potential for improving the sustainability of the existing settlement pattern. Many rural communities can accommodate development, particularly to meet local needs. New development can help to generate wealth to support local services, ensuring that communities are sustainable in the long term. A key question for the planning authority, when identifying sites in the development plan or determining planning applications, is whether the proposed development enhances or decreases the sustainability of the community. In particular, planning authorities should support developments that would help to achieve a better balance between housing and employment, encouraging people to live and work in the same locality.

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4.1.2 - Development plans should include sufficient land to meet market and affordable housing needs across the planning authority's area. In rural areas, especially where there are environmental constraints or social or cultural considerations, planning authorities may wish to give priority to affordable housing to meet local needs, by identifying those smaller villages and clusters where future housing development will be limited to this category. The requirement for market and general affordable housing need should be accommodated elsewhere in the planning authority's area.

The Proposal

The applicant is seeking to demolish the existing Greyhound Inn and erect nine dwellings. It is noted that the original application proposed seven dwellings with no affordable housing provision. However, the scheme was then amended to include two affordable units in accordance with UDP policy requirements. Upon further detailed consideration and having regard to the policy background outlined above, the provision for affordable units has increased. Four of the nine dwellings being proposed are affordable dwellings.

Planning Considerations

The site can reasonably be considered to be located 'within' the small village of Oldwalls as defined under UDP Policy EV16. There are no boundaries defining small villages and UDP Policy EV16 allows for permission to be granted for small scale development subject to it meeting the following criteria:

- i. It is of a scale, density and layout compatible with the size and form of settlement,
- ii. It has a design that in its form, elevational treatment, detailing and use of materials is sympathetic to the architectural character of the village,
- iii. It will not involve a loss of land of recreational, natural heritage or amenity value,
- iv. It has an acceptable relationship with adjacent buildings, spaces and landscape, including coastal features,
- v. It will not harm the amenity of neighbouring residents, and
- vi. It can be accessed without prejudicing highway safety and without detriment to the character of the village.

Consequently, the proposal to develop this brownfield site, which lies within a 'small village' as defined by the UDP is acceptable in principle, subject to the criteria contained within Policy EV16, together with the compliance with other UDP and emerging LDP Policies.

Notwithstanding the above comments, it should be noted that there are significant changes between the UDP and emerging LDP (Deposit LDP 2016 and associated Matters Arising Changes 2018) with regard to settlement boundaries and village settlements. All rural settlements were reviewed for the LDP as evidenced within the Key Village Appraisal document (2017)¹. The LDP strategy is to designate 'Key Villages' selected for their size, existing facilities and public transport connections and are evenly distributed across the County. Therefore, they are judged to be the most sustainable locations for essential appropriate development to serve rural areas.

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The Village Appraisal document states that Oldwalls 'has less than 25 dwellings, a public house and a chapel. It is situated on a public transport corridor. Oldwalls has a linear settlement form, which is characterised by the areas of countryside extending into the settlement, creating open gaps giving the settlement an open dispersed built form to the north'. Indeed, although a Primary school is located in nearby Llanrhidian some 800metres away, there is no pedestrian access to the school from the site. Similarly, the nearest local facilities of a garage/store is in Llanrhidian and the Local Centre is at Penclawdd, over 6km away. Although the site is on a bus route, the primary form of transport will be the private car. The Appraisal concluded that Oldwalls did not fall to be considered as a Key Village due to size and dispersed non-cohesive settlement structure. The proposed development therefore falls to be considered under emerging LDP Policy CV2.

Emerging LDP Policy PS 1 emphasises that the Plan's settlement boundaries are a key mechanism for helping to manage future growth by defining the area within which development would normally be permitted, subject to material planning considerations. The distribution of future sustainable growth across the County follows a simple settlement hierarchy consisting of the urban area, key villages and the countryside. The County's countryside is a finite resource and is protected from inappropriate development. Generally only development requiring a countryside location is permitted and there is an emphasis on safeguarding the openness of the countryside and protecting, conserving and enhancing the County's high quality natural and historic environment.

Outside the defined settlement limit, development is strictly controlled, and will generally only be supported in exceptional circumstances, in accordance with Plan policies, and/or if a countryside location is deemed essential given the nature of the proposal, in line with National Planning Policy and Guidance. This is further reinforced by emerging LDP Policy PS3 which states that in all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development. It is acknowledged that the site is 'brownfield', however PS3 notes that not all brownfield sites are appropriate for development, having regard to other Plan policies and in some instances fundamental site constraints. Policy PS3 presumes against any proposals outside defined settlement boundaries, providing clarity as to the appropriate locations for future development. The consideration of potentially appropriate housing beyond settlement boundaries will be made having regard to emerging LDP Policy CV2: Development in the Countryside and National Planning Policy and Guidance.

Emerging Policy CV2: Development in the Countryside (as proposed for amendment by MAC 255), states that outside defined settlement boundaries development will be required to ensure that the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside, except where it is for;

iii. Affordable housing to meet local need at acceptable and sustainable locations within or adjoining settlements, or as minor extensions to small groups of dwellings in the countryside;

The LDP states that appropriate isolated groups of dwellings in the countryside must contain five or more dwellings, consist of a continuous line of dwellings, or a close group of dwellings, adjacent to a highway and have reasonable access to facilities and services, for a rural location.

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It is clear that the principle of redevelopment of the Greyhound Inn can be considered as potentially acceptable exceptional development under criterion (iii) of CV2. However this Policy states that the housing should be for 100% affordable housing to meet local needs.

Notwithstanding the above references to emerging LDP Policies, the UDP (although time expired) is still the extant development plan against which the proposals must be assessed. The UDP Policies are accordingly given more weight than the emerging LDP Policies. Consequently, for the purposes of determining this application, the application site is considered as falling within the 'small village' of Oldwalls as defined within the extant UDP, as opposed to falling within an area of open countryside as defined by the emerging LDP.

The emerging LDP is underpinned by up-to-date evidence base, which the UDP (due to its time expired nature) is not. This up-to-date evidence base is a material consideration in the determination of this application. Evidence provided by the Local Housing Market Assessment (LHMA) identifies that demand for rural homes in Gower is high and house prices reflect this. The Gower Zone is relatively prosperous with high levels of owner occupation and has seen significant price rises in recent times.

The LDP Affordable Housing Strategy is to be delivered via LDP Policy H 3: Affordable Housing, which requires that on residential sites with capacity for 2 or more dwellings within the Gower SHPZ, on-site provision of Affordable Housing for Local Needs will be sought at the target percentage of 50%. The Policy applies to all proposed housing developments with a capacity to deliver a net gain of 2 or more dwellings in the Gower Zone. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the specified thresholds, they will be treated as a single proposal and trigger the relevant target percentage. Therefore, the LDP is materially different from the UDP and requires that proposals within defined Key Villages on Gower should deliver a minimum of 50% affordable housing.

Whilst it is recognised that the proposal is not being treated as falling within a 'Key Village' as defined by the emerging LDP, the evidence base supporting the emerging LDP clearly identifies that a target of 50% affordable houses should be secured. Consequently, whilst the proposal is assessed as falling within a 'small village' as defined by the UDP, it is considered necessary to secure four affordable dwellings as deemed necessary by the evidence base supporting the emerging LDP. The current proposal meets this requirement.

The Council's Housing Enabling Officer has offered no objection to the proposal, subject to the four dwellings being DQR compliant and transferred to a Registered Social Landlord/Council.

Community facility

There are no specific UDP Policies which protect the loss of Public Houses. However, the Council's District Centre, Local Centre and Community Facilities SPG (2010) addresses the provision of community facilities in urban and rural areas, and seeks to safeguard such provision where appropriate. The SPG has been adopted by the Council to the extant UDP, and is consistent with PPW (10.2.8) and emerging LDP Policy SI 2. It highlights the importance of some establishments, such as pubs in providing a tourism resource, as they may be sufficiently renowned to bring in trade from a wider catchment, as well as serving a very localised and captive population.

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The SPG states that the Local Planning Authority will need to establish the relative importance and individual merit of a particular community facility in order to determine whether or not it is appropriate to safeguard that facility and resist its loss, and outlines the factors that will be taken into account to establish the importance or merit of the facility.

Emerging LDP Policy SP 2 and the District Centre, Local Centre and Community Facilities SPG (2010) reflect TAN 6: Planning for Sustainable Rural Communities (2010). As the TAN was published more recently than the UDP it is a material consideration when considering proposals which result in the loss of rural community facilities. The TAN states that Planning Authorities should support the retention of existing services and facilities, including rural public houses, and should set out in the development plan the criteria they will apply when considering planning applications that will result in the loss of important village services. Furthermore, the TAN states that conversion of buildings which are currently in commercial use to dwellings may have an adverse impact on the local economy.

Emerging LDP Policy SI 2 (as proposed to be amended by MACs 199-203) seeks to prevent the loss of community facilities and locally important uses unless;

- i. an alternative facility of at least equal quality and scale to meet community needs will be provided; or
- ii. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or
- iii. Evidence is provided that the existing use is no longer viable. Criterion iv (as proposed to be included by MAC199) states that 'Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use'.

The Greyhound Inn provides a locally important community facility and employer. The reasoned justification to emerging LDP Policy SI 2 states that facilities of local value are defined as those which:

- i. play an important role in meeting an identified need;
- ii. benefit community vitality and cohesiveness or the local economy;
- iii. bring other added value in terms of wider benefits for the community;
- iv. can demonstrate evidence on the extent to which the facility is valued by the
- v. community;
- vi. contribute to the character of the area and provide a distinctive and unique facility
- vii. as a destination in the locality;
- viii. Provide a wider social function, such as venue for social interaction and/or an informal meeting place.

The reasoned justification of SI2 clearly states that the viability of premises as a continuing business or other enterprise will be material to the assessment of a proposal for change of use or redevelopment of an important community facility (2.7.11) and that the Council will, as appropriate, request the submission of evidence that demonstrates the current financial status of a business.

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The applicant has provided detailed justification and reasoning behind the closure of the Public House. Information has been provided in relation to the sale particulars for the pub when it was placed on the market before the previous tenant left. The property was marketed by Sidney Phillips, Licenced Premises specialists from 2016 until its recent closure.

The applicant has explained that the fundamental reason for the pub closure has been the significant drop in trade from £1,138,531 in 2015 to approximately £500,000 in 2017/18. During this time the rateable value of the property has also increased from £47,000 per year to £101,000 per year. These economic circumstances have contributed to the pub's closure. The Gower Brewery also left the premises at the same time as the previous tenant and is now running successfully from Crofty.

During the two years the Public House was advertised for sale, the applicant only received one offer which was accepted. However the purchaser failed to obtain a mortgage and subsequently withdrew their offer.

The applicant has also advised that despite many suggestions to the contrary, no other offers, or an offer from an unnamed local businessman has been made and the property agent is content to confirm this in writing if needed.

It is therefore considered that sufficient evidence has been provided to demonstrate that the Public House is no longer economically viable.

Furthermore, there were (at the date of the submission of this application) 2 existing public houses in the neighbouring settlement of Llanrhidian, albeit it is understood that one of the two has within the last month closed due to retirement. Although Llanrhidian is a separate settlement from Oldwalls, the public house which remains open (The Welcome to Town) is nevertheless considered sufficiently accessible to local residents.

Visual amenity

Within the Gower AONB, the primary objective of this designation is the conservation or enhancement of the natural beauty of this area. This is addressed by the requirements of Policy EV26. The Council wishes to foster high standards of design in all new development, and this is reinforced by Planning Policy Wales, which states that within AONBs, the primary objective of this designation is the preservation of the natural beauty of this area, and development control decisions affecting the AONB should respect this by considering the importance of traditional and local distinctiveness.

Emerging LDP Policy PS 2 states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity and have particular regard to the following Policy criteria:

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- i. The proposed development should have regard to landscape, views and vistas,
- ii. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;
- iii. Create or enhance opportunities for Active Travel and greater use of public transport;
- iv. Integrate effectively with the County's network of multifunctional open spaces and enhance the County's green infrastructure network;
- v. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space; and
- vi. Ensure no significant adverse impact on natural heritage and built heritage assets.

The Gower AONB Design Guide SPG highlights that there are significant views through the site towards Cefn Bryn. It is understood that the proposed layout seeks to maintain a section through the site through which some of the view is retained, together with the retained agricultural access to the east of the site. The reasoned justification of Policy PS2 (as proposed to be amended by MAC21) explains that an integral part of place making and holistic planning is to create and manage places that seek to ensure social inclusion, equality of opportunity and access for all.

Oldwalls is centred around the junction of the north Gower Road to Llanmadoc and the road to Llangennith. It comprises approximately 26 dwellings and supports a Chapel and the Public House that falls within the application site.

To the east and west of the site lie the adjacent dwellings. However, the application site does not directly abut either of these properties as there are intervening areas of land either side. To the rear, the site is principally bound by adjoining open countryside. However, Bryn View to the south abuts the south-western corner of the site. A visual analysis of the street scene and Oldwalls locality reveals the following predominant characteristics of residential dwellings which form the basis of the design approach.

- Simple traditional dwelling forms and roofscapes
- Dwelling forms which front the road (i.e. their widest elevations) and which have roofs running parallel to the road
- Roof pitches between 35-40 degrees
- A lack of dormers
- Vertically emphasised windows.

The proposal includes three house types;

- House type A the larger detached two storey dwelling insofar as it features a single storey side element, and
- House type B slightly smaller detached two storey dwelling.
- House type C pairs of semi-detached properties that will provide for the affordable housing element of the proposal.

All of the dwelling types are of a relatively modest scale. House Type A with a main frontage width (excluding the side annexe) of 9m is consistent with that advocated for a traditional vernacular style dwelling such as this within the Gower AONB Design Guide.

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House type B measuring some 8.5m in width is also considered an appropriate width, with both detached house types displaying an appropriate building depth. House Type C which provide for the affordable units on the site are on backland plots (Nos. 6, 7, 8 and 9) and are subservient in design in an agricultural outbuilding character. Although there are no vernacular examples of houses behind houses in the traditional rural context, the contextual reference is vernacular house onto the lane frontage and subservient agricultural style buildings and courtyards to the rear. The place making concept was for the backland units to be 1.5 storey outbuildings (in order to be subservient with the frontage houses) with a barn/outbuilding character to reflect the grain of rural development and reduce the density on the rural edge at the rear of the site. This is considered to accord with the adopted Infill and Backland Design Guide as well as the adopted Gower Design Guide.

It is acknowledged that the amplification text contained within paragraph 2.5.21 of the emerging LDP states that "where affordable housing is provided it should be integrated into the overall development and should not be obviously segregated through location, layout or design." This equality of treatment has long been set in the adopted 'Residential Design Guide' at paragraph 7.11 which states that "affordable homes should be seamlessly integrated into developments and not concentrated in one part of the site."

The design and quality of the affordable homes in this instance is equal to the frontage private dwellings, and for the reasons clearly set out above, the backland plots in this instance need to be subservient. This has however been achieved without creating dwellings that appear secondary to the private units. The backland units maintain an equality of quality and character expected of a development within the Gower AONB. The main two storey gable to Plot 8 will be visible through the backland access gaps and therefore the natural stone proposed for the frontages of the AH units (6-9) should be carried through to this prominent side gable. This can be ensured through a suitably worded condition

The frontage dwellings are generally simple traditional dwellings, with well-proportioned porches and simple detailing to the front elevations. The rear elevations display a more contemporary appearance with larger full height doors and windows balconies and balustrades. This approach is in keeping with the character and appearance of the local area and makes a direct reference to the most recently constructed dwellings to the west of the site. The proposed dwellings are considered to display many of the key features advocated within the adopted Gower AONB Design Guide chapter of new houses in villages (Module A). The soft frontage approach with parking to the rear is also welcomed. Overall the frontage buildings are considered to represent a good example of dwellings that will promote and reinforce traditional local distinctiveness

The pallet of finishes indicated on the submitted plan include:

- Painted sand-cement - white
- Upvc sash widows
- Painted timber fascia's - black
- Cement fibre roof slates riven faced - blue-grey
- Brickwork plinth and chimneys - red-orange
- Natural stone - rough coursed
- Glass balustrade
- Aluminium sliding doors
- Aluminium casement windows and patio doors - light Grey.

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Careful attention is paid to detailing such as use of external finishes. In this instance, timber windows would be the appropriate response, with a natural slate roof covering and any stone used must be locally sourced. The aluminium full height doors and glass balustrade are considered acceptable as they are being used on the rear elevations. All of these matters will be controlled fully via appropriately worded condition.

With regard to the site layout, it is noted that 2 of the 9 dwellings (plots 8 and 9) will be sited with the gable end parallel to the road and the remaining two proposed dwellings (plots 6 and 7) will be sited to the rear of Plot 5, orientated parallel. Whilst this is not an approach normally supported or indeed advocated within the Gower AONB Design Guide, It is not considered that the re-development of this area behind the established building line is unacceptable in visual terms in this instance having regard to the place making concept detailed above.

On this basis, it is considered that the proposed dwellings can successfully integrate with their surroundings, taking into account the character of the village in which it sits. Overall, the buildings are considered to represent a good example of dwellings that will promote and reinforce traditional local distinctiveness.

Residential amenity

Turning to residential amenities, it is considered that the siting of the dwellings in relation to boundaries of the neighbouring properties and the distance from the neighbouring dwellings themselves, would not give rise to unacceptable overbearing or overshadowing impacts which could warrant the refusal of this application. The submitted drawings indicate that the dwellings are sited a sufficient distance from the boundaries of the neighbouring dwellings and demonstrate that the re-development of the site in this manner can occur without giving rise to an unacceptable impact upon the residential amenities of the neighbours.

Trees and hedgerows

The site contains mature trees and hedgerows. UDP Policy EV30 seeks to protect woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage and/or recreation value. Emerging LDP Policy ER 11 prohibits development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services. Encompasses all elements of society and is applicable to all developments in all locations.

The applicant has submitted an Arboricultural Report in support of the application which indicates the site has no significant trees that present a major constraint on developing the site. 13 trees of low (C category) quality are identified in the survey and the current layout will result in the loss of some of these trees. The Council's Tree Officer has been consulted and concurs the trees are of low to poor quality and recommends a landscaping condition should be attached to include suitable tree planting.

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Ecology

Bats are present on site as detailed within the Bat Survey submitted in support of the application. It will be necessary for the developer to apply for a European Protected Species (EPS) license to disturb from Natural Resource Wales as the host building is to be demolished. The works will therefore cause destruction of a roosting area used by small numbers of common pipistrelle bats. An application can only be made for a license to disturb once planning permission has been granted. An appropriately worded condition is therefore recommended.

In advance of works commencing on site, two bat boxes will be erected within a large broadleaf tree to provide compensatory alternative roosting, which will again be controlled via condition.

Careful attention will need to be taken to ensure that external lighting is kept to a minimum and will not illuminate the bat access points or flight paths. This matter will also be controlled via an appropriately worded condition.

Subject to this, the application is considered to be in accordance with UDP Policy EV28 and emerging LDP Policy ER 8 which seek to ensure that development that would adversely affect the resilience of protected habitats and species should maintain and enhance the nature conservation interest of the site.

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 an EPS is present.

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) Given that the Public House does not appear to be financially viable, the re-development of the site for residential development is considered to be favourable, particularly as four affordable houses are being provided. It is not considered to be in the public interest to resist the removal of the existing building, particularly when it has ceased trading.

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ii) Given the financial status of the existing business, it appears to be futile to insist upon the retention of the existing building. The proposed re-development of the site is a high quality development whilst the use of the site for residential purposes is the most satisfactory alternative in land-use terms. Furthermore, it is unknown whether there are any other alternative sites that could accommodate the proposed development, whilst also being deliverable.

iii) It is considered that subject to compensatory measures being provided, the removal of the existing building will not be detrimental to the maintenance of the bat population.

Highway Safety

The existing site currently operates as the Greyhound Inn, a public house with associated parking area. Vehicular access into the site is taken directly from the main unnamed highway. The carriageway along the site frontage is subject to a 30 mph speed restriction, however this changes to unrestricted (60 mph) a short distance west of the site for westbound travel.

The unnamed road is rural in character and acts as a distributor road for the local settlement whilst connecting with areas further afield.

Access

The existing site has one point of vehicular access, and it is deduced from the planning application and site observations that the agricultural field behind the existing Greyhound Inn is accessed through the car park. A separate access to the field is maintained within the proposals and any rights over this are a private civil matter between the two parties.

The proposal seeks to introduce two new access points to the residential development and indirectly result in a third separate access for the agricultural field. The field is the subject of a number of permissions relating to short term camp site type uses. The Head of Transportation and Engineering expresses some concern about the number of access in close proximity, where there was previously only one. However, the demolition of the pub results in significantly improved sight lines for all road users in both directions so there is considered to be a benefit overall. The amount of vehicle movements associated with the use of the proposed accesses/dwellings are likely to be similar to the volumes generated by the pub, which together with the improved visibility is considered to result in betterment for road users.

The two points of access serving the proposed dwellings have visibility splays of 2.4m by 43m in both directions which is considered adequate. These vision splays are far improved compared to the existing position.

Although the Head of Transportation and Engineering considers and recommends that a footway should be provided along the frontage of the site, to ensure the safety of pedestrians, a highly engineered traditional "hard" footway is at odds with the rural character of the carriageway and at odds with the prevailing character of the settlement. Furthermore, to provide a footway along the site frontage would result in a footpath ending abruptly at either end of the site frontage as there is no existing footpath to join.

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To that end, the applicant has proposed a grassed verge between the carriageway and the low front boundary treatments that will afford a safe refuge area to step out onto and traverse along, for users negotiating access and crossing without compromising the rural character of the area.

The Head of Transportation and Engineering commented that access junction radii and road widths would need to be shown on the submitted plans for consideration. It was also expected that the access is assessed for vehicular movements, in the case that the radii are tight. It was also requested that swept path assessments were carried out, to demonstrate that removal vehicle and fire tenders can successfully enter the site and exit in a forward gear. In this regard, the junction radii have been increased to 6m and each of the proposed private drives have been increased to 4.5m wide to enable two vehicles to pass on the private drives. Given the nature of the site in a rural location and given that no more than 5 dwellings are served from each drive, it would be harmful to the rural character of the area to design the internal road any wider. All refuse can be collected via a collection arrangement from the main road as is the case with other properties in the village and each of the dwellings can be reached by a fire tender in an emergency situation. This is not uncommon for private drives that are not being adopted.

Internal route

The Head of Transportation and Engineering comments that there are no footways provided within the site, with shared surfaces being instead opted for. The Head of Transportation and Engineering had advised that ideally the carriageway widths and footways would be provided to adoptable standards. However, in view of the local rural character, a shared private drive is proposed and designing the layout for an adoptable road would be considered overly engineered and harmful to the character of the Gower AONB. Only 5 dwellings are served by each drive and hence vehicle movements will be very low.

The Head of Transportation and Engineering suggested that a swept path assessment was required to demonstrate how two vehicles could travel within the site in opposite directions and how they could use the turning areas to exit the site in a forward gear. Each access drive has been increased to 4.5m width and turning areas increased to enable vehicles to exit the site in forward gear. It is therefore not considered necessary for a swept path assessment to be carried out.

Parking

The proposed dwellings must be served by appropriate parking provision in accordance with maximum parking standards.

Parking is provided in accordance with the adopted Parking Standards SPG and is being provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

There is also a requirement within the planning guidance for visitor parking at the rate of 1 space per 5 units. Whilst no specific visitor parking spaces are provided, it is noted that five of the nine dwellings are served by 4 parking spaces which will in part cater for visitor provision.

It should also be noted that the site is located along a public transport corridor and a public bus stop, in accordance with emerging LDP Policy T1.

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Drainage

The proposal seeks to remove surface water by means of a Sustainable Urban Drainage system (SUDS). Any drainage scheme would have to ensure that there would be no detriment to any water course in accordance with LDP Policy RP3.

The Head of Drainage and Coastal Management has been consulted and advises that the ground investigation scheme carried out does not appear to have undertaken a complete infiltration testing programme with the majority of the holes having only been tested once. Accordingly a full programme of testing will be required.

However despite this, the Head of Drainage and Coastal Management considers that an appropriately designed drainage scheme can be delivered and therefore recommends appropriately worded conditions to be appended to any planning permission given.

Dwr Cymru/Welsh Water have offered no objection to the proposal, but have advised that only foul flows from the development can be accommodated within the public sewer system.

Response to consultations

As indicated above 63 individual letters of objection have been received together with a petition of objection. The objections raised to the principle of the development largely relate to the loss of the Public House which is addressed above under the community facility heading. Further points are made regarding the applicant's ability to manage the pub successfully as well as suggestions that the decline of the Public House has been intentional. Personal opinion on the managerial qualities of the applicant are not material to the consideration of this application. The applicant has been requested to provide evidence relating to the decline of the business as well as his attempts at marketing the business as a going concern, all of which has been provided in line with the requirements of prevailing and emerging policy. No evidence has been submitted to the contrary or that discredits the applicant's submissions. As such this matter is considered suitably addressed.

Matters relating to visual amenity and highway safety are addressed in detail above. It is noted that one objector considered that the application should be presented to the Design Commission for Wales for full and further consideration and the author of the objection sought to arrange a Design Commission Review. The Design Commission for Wales (DCfW) however advised whilst the Commission is happy to take enquiries from members of the public and to assess whether their input would add value, they do not campaign on behalf of any party and carefully use the review service resources where it can add most value. It is not a mandatory requirement for the scheme to be presented to the DCfW.

Further points raised criticise the proposal for not making any provision for affordable units. However, the scheme has been amended to include four affordable units. This matter is again addressed in detail within the policy background above.

Education contributions are not required for residential developments below 10 dwellings

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Finally with regard to the right of way that traverses the site, this is a private rather than public right of way and its diversion is a civil matter to be resolved between interested parties. There is a registered footpath Llanrhidian Lower 14 (LL14) that runs to the west of the application site. This footpath should not be obstructed at any time by building works, fencing or excavations unless an application for a Temporary Closure Order has been applied for at least six weeks in advance of the closure and an advisory note to this effect is recommended.

Conclusion

In conclusion, it is considered that the proposed development is acceptable and complies with UDP Policies EV1, EV2, EV3, EV33, EV35, EV16, EV26, and HC3 and emerging LDP Policies. Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. Approval is recommended.

RECOMMENDATION

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

*** The four dwellings on Plots 6-9 shall be affordable houses, all social rented (to be transferred to a RSL or the Council) provided at 42% ACG and be DQR compliant. The four affordable dwellings are to be fully constructed prior to construction works commencing on more than three of the market houses.**

- **A Management and Monitoring fee of £702 (based on 20% of the planning application fee**
- **The Council's legal fees relating to the preparation of the S106 agreement**

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:

1003 House Type B - Floor Plans (Plots 2 & 3), 1006 House Type A - Plot 1 Elevations, 1007 House Type B - Plot 2 Elevations, 1008 House Type B - Plot 3 Elevations,

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1009 House Type A - Plot 4 Elevations, 1010 House Type A - Plot 5 Elevations , 1013 Garages - Double Garage Plots 4 & 5, 1014 Garages - Attached Double Garages Plots 1 & 2 , 1902 Cottage Style Housing - Key Views, received 14th September 2018. 20172/DS1 Drainage Strategy Site Plan, received 17th September 2018. 1001 Rev A House Type A - Floor Plans (Plot 1), 1002 Rev A House Type A - Floor Plans (Plots 4 & 5), received 25th September 2018. 1004 Rev E House Type C - Floor Plans (Plots 6, 7, 8 & 9), 1011 Rev E House Type C - Plots 6, 7, 8 & 9 Elevations, 1901 Rev C CGI Site Plan Render, 1903 Rev C Rear Plots - Key Views, 1904 Rev C Street Scenes from the Main Road, received 21st November 2018. 1110 Rev A Location Plan, received 27th November 2018. 1101 Rev E Proposed Site Plan, received 18th December 2018.

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

- 3 The 2.4m by 43m visibility splays shown serving the two access points serving the proposed dwellings on Drwg No 1101 (Proposed Site Plan) shall be provided before any of the dwellings hereby approved are beneficially occupied and shall be maintained free of any obstruction exceeding 1.05m in height for as long as the development exists.

Reason In the interest of highway safety.

- 4 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 5 No development 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, spacing 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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- 6 The garages and car parking spaces shown on the approved plans shall be provided prior to the first beneficial use of the dwelling to which they relate. The garages and car parking spaces, shall be retained and made available for the parking of vehicles thereafter and shall be used solely for the benefit of the occupants of the dwelling to which they relate and their visitors and for no other purpose.

Reason: To ensure that the development is adequately served by off-road parking at all times, in the interests of highway safety.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall not apply.

Reason: In the interest of visual and residential amenity and to prevent inappropriate development on the site that may affect the receiving watercourse and create or exacerbate any existing flood risk.

- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site (including the shared drives, turning areas and parking spaces) 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.

Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. If the assessment indicates that SuDS can be utilised, then such a system should be used.

Where infiltration based SuDS are to be utilised, full details of any soakaways being proposed shall be provided. The submitted information shall include details of the size of the soakaways designed in strict accordance with BRE365 2016 and confirmation that they are not located within 10m of any watercourse/ditch.

The agreed drainage scheme shall be implemented before the dwellings hereby approved are occupied, unless otherwise agreed in writing by the Local Planning Authority. The drainage 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.

- 9 Details of any new external lighting to be provided within the site shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. Any lighting scheme to be provided within the site shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and ecology interests.

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- 10 No works of site clearance, demolition or construction shall take place in pursuance of this planning permission unless a license to disturb the bats/destroy the bat roost(s) within the existing Public House has been granted in accordance with the Conservation of Habitats and Species Regulations 2017 and a copy of the license has been provided to the Local Planning Authority.

Reason: In the interest of protecting species listed under Schedule 2 and 4 of the Conservation of Habitats and Species Regulations 2017.

- 11 Notwithstanding the drawings hereby approved, the flank wall of the proposed dwelling on Plot 8 shall be finished in natural stone, the details of which shall be first submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details thereafter.

Reason: In the interest of visual amenity.

- 12 Notwithstanding the drawings hereby approved, prior to the construction of the first dwellinghouse hereby approved, a plan indicating the positions, heights, design, materials and type of all boundary treatments to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the agreed details.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

- 13 Notwithstanding the drawings hereby approved, before development works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority of;

a) a privacy screen to be erected along the western edge of the balcony serving the dwelling on Plot 4; and

b) a privacy screen to be erected along the eastern edge of the balcony serving the dwelling on Plot 1.

The development shall thereafter be carried out in accordance with the approved details and the privacy screens shall remain in situ in accordance with the approved details at all times thereafter.

Reason: To protect the privacy of neighbouring/local occupiers.

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, EV15, EV26, EV33, EV34, EV35, and HC3

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

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

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

4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

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

5 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

6 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).

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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

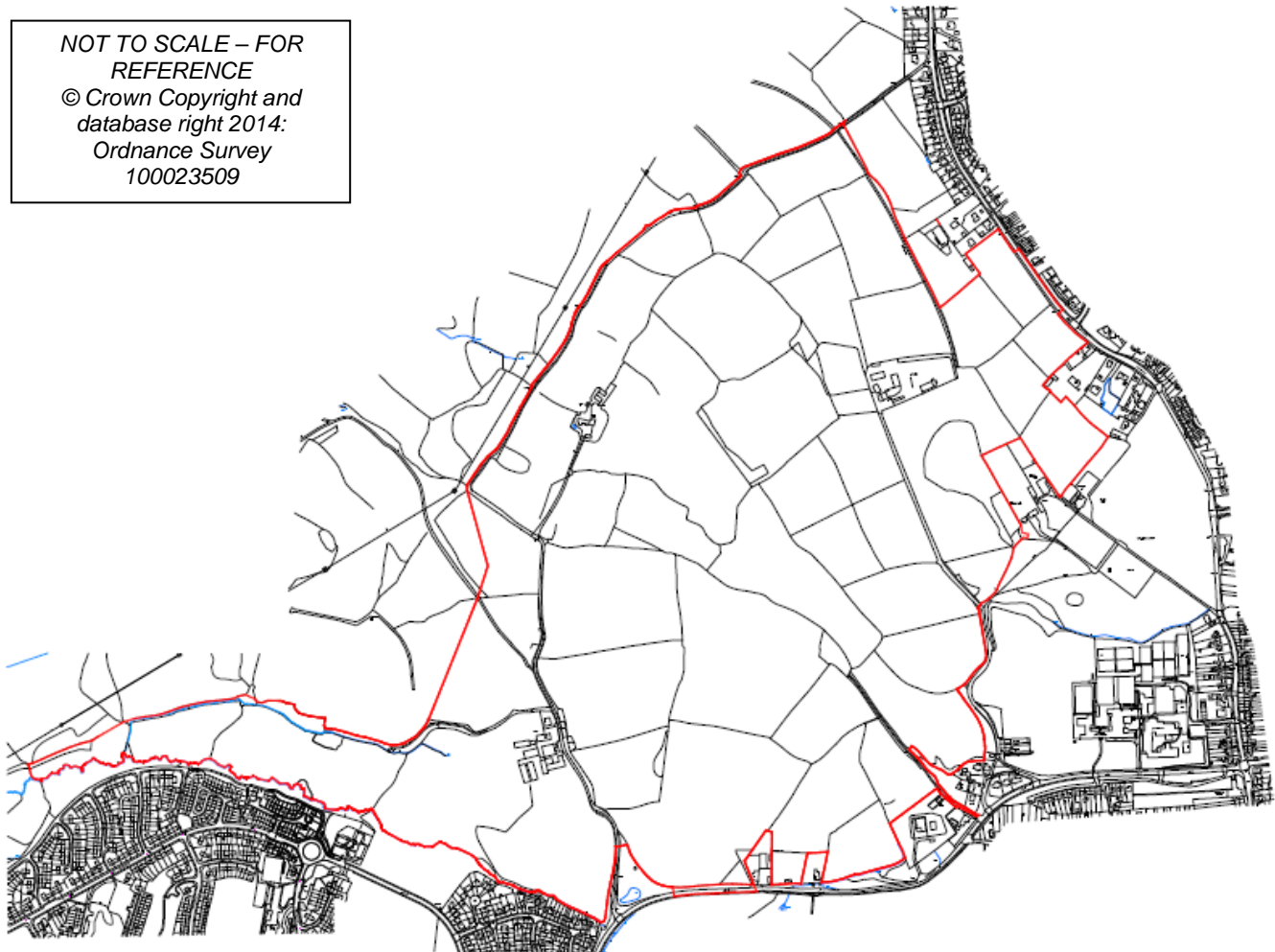
- 7 The applicant is advised that some public sewers and lateral drains may not be recorded DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times
 - 8 There is a registered footpath Llanrhidian Lower 14 (LL14) that runs to the west of the application site. The footpath should not be obstructed at any time by building works, fencing or excavations unless an application for a Temporary Closure Order has been applied for at least six weeks in advance of the closure
-

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Item	Application Number:	2017/1822/OUT
	Ward:	Llangyfelach - Area 1
Location:	Land West Of Llangyfelach Road, Tirdeunaw, Swansea,	
Proposal:	Outline planning application (with all matters reserved apart from strategic access junctions) for residential led mixed use development, to be developed in phases, including: Ground preparation works as necessary, including the regrading of site levels, up to 1950 no. dwellings (Use Class C3, including affordable homes) of which 1160 no. units would be developed within the LDP Plan period, the creation of a link road, local centre provision of a primary school, community facilities, Public Open Space including facilities for children, and areas of landscaping (including sustainable drainage systems), outdoor sports provision including playing pitches, associated services, infrastructure and engineering works including new vehicular access, improvements to the existing highway network, new roads, footpaths / cycleways, and ancillary works.	
Applicant:	Mr S Grey Llanmoor Development Co. Ltd.	

NOT TO SCALE – FOR
REFERENCE

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100023509



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 - EV25 - Sites of International Importance

Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)

Item 2 (Cont'd)

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UDP - EV29 - Common Land

Common land will be protected from development in recognition of its importance for agriculture, natural heritage, the historic environment and as an informal recreation resource. (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 - 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 - 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 - 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)

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UDP - EC9 - Out of Centre Retailing

Retail development at out of centre locations will be restricted. (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 - AS6 - Parking/Accessibility

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

UDP - R2 - Coal

Proposal for coal mining, processing and coal recovery will be supported where specified criteria are met. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2017/1822/OUT	Outline planning application (with all matters reserved apart from strategic access junctions) for residential led mixed use development, to be developed in phases, including: Ground preparation works as necessary, including the regrading of site levels, up to 1950 no. dwellings (Use Class C3, including affordable homes) of which 1160 no. units would be developed within the LDP Plan period, the creation of a link road, local centre provision of a primary school, community facilities, Public Open Space including facilities for children, and areas of landscaping (including sustainable drainage systems), outdoor sports provision including playing pitches, associated services, infrastructure and engineering works including new vehicular access, improvements to the existing highway network, new roads, footpaths / cycleways, and ancillary works.	PDE	

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) Edition 10 at para. 1.17 emphasises that the legislation secures a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act. Paragraph 1.21 of PPW states that up-to-date development plans are the basis of the planning system and that these set the context for rational and consistent decision making, where they have been prepared in accordance with up to date national planning policies. The Plan-led system underpins the delivery of sustainable places and development proposals must seek to deliver development that addresses the national sustainable placemaking outcomes, as defined within PPW 10 (chapter 2).

The examination of what is necessary within a development plan to deliver sustainable development manifestly occurs through the production of new planning policies and their supporting evidence base. The LDP replacement is what is anticipated by PPW and other national guidance to be the appropriate review process for time expired Plans. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning Inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations.

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It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit concluded on December 14th 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The LDP must then be adopted by the Council within 8 weeks to comply with Regulations. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

The Council has received legal advice which supports this approach to ensure the Authority is not liable to legal challenges on decisions.

LOCAL DEVELOPMENT PLAN (following examination changes)

PS1: Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS2: Placemaking and Place Management – development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

PS3: Sustainable Housing Strategy – land is identified for the development of 17,106 homes to promote the creation and enhancement of sustainable communities.

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

SD1: Strategic Development Areas - Strategic Development Areas (SDAs) are allocated at 12 locations to provide new homes and opportunities for job creation and commercial investment at a strategic scale. Six SDA's are capable of delivering a greater number of homes beyond the plan period.

SD2: Masterplanning Principles - all SDA development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place complying with place-making criteria.

SD D: West of Llangyfelach Road, Swansea (in full below).

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

IO2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

H2: Affordable Housing Strategy - provision will be made to deliver a minimum 3,420 affordable housing units over the Plan period.

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H3: Affordable Housing – sets the percentage of affordable housing provision required in the 3 different Strategic Housing Policy Zones (20% for this zone).

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

HC2: Preservation or Enhancement of Buildings and Features - the County's buildings and features of historic importance will be preserved or enhanced by complying with set criteria

HC3: Development in Welsh Language Sensitive Areas - the Welsh language will be safeguarded and promoted throughout the County with the provision of a Welsh Language Action Plan.

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

SI2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI3: Education Facilities - where residential development generates a requirement for school places developers will be required to either: provide land and/ or premises for new schools or make financial contributions towards providing additional school facilities.

SI5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

SI6: Provision of New Open Space – open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on site facilities, or the improvement of existing local provision off site, along with appropriate maintenance contributions.

SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

RC2: Retail and Leisure Development - retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres, having regard to the nature, scale and location of the proposed development – Swansea Central Retail Area; District Centres; and Local Centres.

RC8: Commercial Development within Strategic Development Areas - retail, leisure and appropriate complementary commercial proposals will be supported within allocated Strategic Development Areas where they meet certain criteria.

ER1: Climate Change – Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

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ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER6: Designated Sites of Importance for Nature Conservation - development will not be permitted that would result in a likely significant adverse effect to sites of international or national nature conservation importance. Development that would affect locally designated sites of nature conservation importance should maintain or enhance the nature conservation interest of the site.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER9: Ecological Networks and Features of Importance for Biodiversity – development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all transport measures/ infrastructure must adhere to.

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

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

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EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP2: Air, Noise or Light Pollution - where development could lead to exposure to a source of air, noise or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

RP4: Avoidance of Flood Risk – new development will be expected to be located away from unnecessary risk.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP6: Land Instability - development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity.

RP9: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

The 3 key LDP policies that are applicable to this application are listed in full below:

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PS 2: PLACEMAKING AND PLACE MANAGEMENT

Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity. Depending on the nature, scale and siting of the proposal, development should also:

- I. Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- II. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;
- III. Create or enhance opportunities for Active Travel and greater use of public transport;
- IV. Integrate effectively with the County's network of multi-functional open spaces and enhance the County's green infrastructure network;
- V. Enhance public realm quality, incorporating public art where appropriate;
- VI. Provide for a hierarchy of interconnected streets and spaces;
- VII. Ensure active frontages onto streets and spaces to provide natural surveillance and character;
- VIII. Provide an accessible environment for all;
- IX. Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles;
- X. Deliver new, and/or enhance existing, connections to essential social infrastructure and community facilities;
- XI. Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- XII. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- XIII. Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses;
- XIV. Ensure no significant adverse impact on natural heritage and built heritage assets;
- XV. Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life; and
- XVI. Ensure that commercial proposals, including change of use proposals:
 - incorporate active frontages and shopfront designs that make a positive contribution to the streetscene,
 - provide appropriate enclosure,
 - relate well to the character of the host building,
 - do not compromise the ability to deliver priority regeneration schemes.
- xvii. Have regard to the implications for infrastructure and services.

SD 2: MASTERPLANNING PRINCIPLES

On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that:

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- i. Is founded on a comprehensive and coherent Placemaking approach that relates to a masterplan for the entire site that demonstrates:
 1. a clearly structured walkable neighbourhood with hierarchy of streets and spaces;
 2. the provision of internal streets designed for low speeds, having regard to key pedestrian routes;
 3. attractive and resilient new buildings that reflect positive aspects of local context;
 4. connections to essential social infrastructure and community facilities, including access to District and Local Centres where appropriate; and
 5. a phasing schedule to demonstrate the timely delivery of development and supporting infrastructure;
- ii. Achieves net residential density across the site of at least 35 homes per hectare, with higher density residential and mixed uses located along public transport corridors and in focal areas, lower densities on rural/sensitive edges, and a range of densities elsewhere to meet different needs and create distinct character areas;
- iii. Has sympathetic regard to, and successfully integrates, existing site features, topography, landscape, seascape and views to and from the site;
- iv. Integrates key movement corridors, in particular to encourage active travel and use of public transport, including links to the wider area;
- v. Creates a network of well overlooked and legible streets and spaces that address townscape and community safety considerations and are not dominated by vehicles;
- vi. Provides for multi-functional and connected green infrastructure that links to the wider area and provide opportunities for relaxation, play and recreation alongside ecological provision in accordance with the Fields in Trust requirements;
- vii. Conserves and enhances biodiversity and natural heritage assets, with suitable buffers where required;
- viii. Retains and integrates existing important trees and hedgerows, including local native species, to improve local biodiversity and maintain the existing landscape character;
- ix. Integrates watercourses, ponds and other water management measures as appropriate within the public realm and landscape, including opportunities for sustainable drainage; and
- x. Maximises sustainable development opportunities where possible in accordance with the Welsh Government Planning for Sustainable Buildings guidance.
- xi. Have regard to the implications for infrastructure and services.

Proposals at Strategic Development Areas must accord with the above criteria and will also be required to:

- a. Incorporate spine streets lined by active frontages with shared footways/ cycleways on both sides of the street, with verges and appropriate street trees;
- b. Deliver a network of streets to serve discreet development areas;
- c. Create an accessible site which integrates positively with existing communities and sustainable travel routes, public transport facilities, footway and cycle routes;
- d. Extend bus networks and increase the frequency and reliability of services to serve the site with public transport options, with a combination of strategic and local bus services;
- e. Provide, and/or contribute towards, an appropriate range of social infrastructure and community facilities in central locations, which respond to any local deficiencies in existing provision, and are accessible by all travel modes;

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- f. Provide Affordable Housing in accordance with the requirements of Policy H3, taking into account any specific financial viability issues arising on the site relating to the provision of strategic infrastructure;
- g. Provide new and varied recreation and leisure facilities at appropriate focal points within the new neighbourhood;
- h. Provide across the site NEAPs, LEAPs and LAPs in accordance with FiT guidelines, all of which must incorporate appropriate equipment as well as incidental space;
- i. Provide play opportunities for children of a range of ages, including opportunities for MUGA and other facilities to allow formal and informal play;
- j. Provide open space in accordance with the NRW standards for Accessible Natural Greenspace;
- k. Provide either a commuted sum for the ongoing maintenance of open spaces and recreation facilities by the Council, or demonstrate that arrangements are in place for a management company or for the site to be managed by an appropriate community organisation;
- l. Demonstrate how habitat and species protection and management will be undertaken throughout the site, and if sites are to be gifted to the council provide commuted sums for this purpose;
- m. Retain trees and hedgerows wherever possible, and a long term commitment to appropriate management and enhancement, and where hedgerows will be lost implement compensatory measures elsewhere within the site;
- n. Provide ecological management plans, detailing how species and habitats on site are to be managed and maintained, to the satisfaction of the Council's ecologist and arboriculturist, including providing sustainable wildlife links across and within the development and suitable protection for protected species;
- o. Provide for compensatory surface water removal where required to offset the connection of additional foul flow to the combined sewerage network in accordance with the requirements of Policy RP3 Water Pollution and the Protection of Water to ensure a sufficiently robust planning mechanism to deliver a holistic Placemaking approach throughout the plan period;
- p. Integrate opportunities where appropriate to minimise carbon emissions associated with the heating, cooling and power systems for new development; and
- q. Provide a comprehensive and integrated drainage strategy demonstrating how foul, surface water, highway and land drainage shall be dealt with in a sustainable manner.

The Strategic Placemaking approach must be communicated by means of a Design and Access Statement. Where an outline planning application is submitted this must set a comprehensive and robust placemaking framework for the Reserved Matters applications through parameters plans and development principles. In light of the scale of the SDA sites it may be necessary to build in 'time for design' after the outline planning application and prior to the submission of reserved matters applications through conditions requiring approval of Design Codes and Sub Area Masterplans, to ensure a sufficiently robust planning mechanism to deliver a holistic Placemaking approach throughout the plan period.

SD D: WEST OF LLANGYFELCH ROAD, PENDERRY

Site D is allocated for a comprehensive, residential led, development of circa 1,088 homes during the Plan period, incorporating a mix of low-medium and high density residential, a new district centre with commercial units, primary school, a mix of public realm, open space and play provision and a new community building.

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Development proposals should accord with the following Placemaking Principles and Development Requirements, which should be delivered in an appropriately phased manner to be formally tied into planning consents.

PLACEMAKING PRINCIPLES:

- * Create a significant new sustainable urban village, comprising of a number of character areas, with a structure of walkable neighbourhoods and which provides the full range of community facilities, Active Travel networks, public transport networks, plus open space for the new and existing community.
- * Create a multi-functional Green Infrastructure network within the site, taking account of the need to create healthy communities with a 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, and community led food growing.
- * Provide a mix of higher densities at the local centre and at key points in the layout and lower densities on the rural/sensitive edges.
- * Deliver a new local hub/local centre at an accessible point on the spine street, with a focal public realm area, which includes units for commercial and/or community uses with active frontages and flexibility for residential and/or commercial on upper floors.
- * Ensure a positive relationship with any retained buildings on site, and with Mynyddbach Chapel and its setting.

DEVELOPMENT REQUIREMENTS

- Full primary and secondary contributions to reflect the impact of the development to be provided through new build 2.5 form entry Primary school.
- A new internal spine street to provide access to the development area and connect Heol Ddu and Llangyfelach Road.
- Extension of the spine street within the site to provide for a connection to a future highway link that will connect the site to the A48 to the North.
- Offsite highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessment and as identified on the LDP Transport Measures Priority schedule, including the potential requirement for a future highway link outside the site to connect the development areas to the A48 to the North.
- 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, including linkages identified on the LDP Transport Measures Priority schedule as follows: AT 19- Links to footpaths to the west of the site, AT20- Central Shared Use path, AT21- Peripheral link.
- Incorporate existing PROW within the development by appropriate diversion and enhancement to form legible and safe routes. Utilise the existing farm lane – Penplas Road – as an Active Travel (bridleway footpath) route.
- New local centre uses to include commercial uses with residential above.
- Provide 2 formal pitches and changing rooms in an accessible location to both the existing and proposed communities as a focal point in the neighbourhood to be managed by local sports clubs/ Community Council or third party.

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- Retain and provide suitable buffers to habitats, trees, hedgerows and SINC. A suitable buffer strip will be created along the western and northern site edge bordering the offsite SSSI.
- New proposed balance ponds should receive supplementary native local provenance planting to provide cover for wildlife and links to existing habitats.
- Integrate any retained farm buildings for sustainable use.
- Explore feasibility of provision of Extra Care Home facility.
- Take measures to protect, promote and enhance the Welsh Language as outlined within a Welsh Language Action Plan submitted with the planning application.

Planning Policy Wales (10th Edition – December 2018)

Chapter 1: Introduction: Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

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

Paragraph 1.4 states that planning procedural advice is given in the Development Plans Manual and Development Management Manual as well as Welsh Government circulars and letters. Both the Manuals are to be read in conjunction with PPW and the relevant legislation.

Paragraph 1.9 clarifies that PPW should be read as a whole, as aspects of policy and their application to a particular development proposal could occur in several parts of the document. Where 'must' is used in the document it reflects a legislative requirement or indicates where action is needed now to make changes in practice over the long term to achieve strategic outcomes. Where 'should' is used it reflects Welsh Government expectations of an efficient and effective planning system.

Paragraph 1.11 states that the Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. The concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural. The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales (1.13).

A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review (1.17).

Paragraph 1.26 states that Local Development Plans should set out a vision for how places are expected to change in land-use terms to accommodate development needs over the plan period. This provides certainty for developers and the public about the type of development that will be permitted at a particular location.

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LDPs contain locally specific policies to explain or develop national policy further and to take forward local priorities for action. Evidence is needed to support LDP policies which is tested through the Examination procedure.

Chapter 2: People and Places: Achieving Well-being Through Placemaking

Paragraph 2.3 states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people (2.7). Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (2.8).

Paragraph 2.9 states that the most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making. Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities (2.10).

Paragraph 2.15 states the national sustainable placemaking outcomes should be used to inform the preparation of development plans and the assessment of development proposals. The outcomes provide a framework which contains those factors which are considered to be the optimal outcome of development plans and individual developments. These outcomes, whilst highlighting the sustainable features of the place development plans and decisions help create, should be the starting point for plan makers and decision takers and be considered at the earliest possible opportunity.

Not every development or policy proposal will be able to demonstrate they can meet all of these outcomes, neither can it necessarily be proved at the application or policy stage that an attribute of a proposal will necessarily lead to a specific outcome. However, this does not mean that they should not be considered in the development management process to see if a proposal can be improved or enhanced to promote wider well-being. It is for developers and planning authorities to identify these opportunities and act upon them (2.20).

Chapter 3: Strategic and Spatial Choices

Paragraphs 3.1 and 3.2 state that effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected.

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These crucial, early decisions will have the greatest impact on the type of development which is ultimately delivered and its contribution to sustainable development and the environmental, social, cultural and economic well-being of Wales. The choices made at this stage should be shaped by appropriate engagement with the public and other stakeholders using the 5 Ways of Working to enhance proposals and ideas and to maximise their contribution to the well-being goals. Getting these aspects right, or in place, at an early stage, will enable more effective and justifiable decisions to be made further on in the development of plans and projects.

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

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

Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits (3.8).

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

Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

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Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate (3.12). Existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non-car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development (3.13).

Paragraph 3.20 states that disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a person's lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation. The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment. Planning authorities should develop and maintain places that support healthy, active lifestyles across all age and socio-economic groups, recognising that investment in walking and cycling infrastructure can be an effective preventative measure which reduces financial pressures on public services in the longer term. The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places (3.22).

Paragraph 3.23 states that green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its, use and the Thriving Welsh Language well-being goal (3.25).

Paragraph 3.46 states that a broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting.

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Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport. Higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools (3.47).

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

Paragraph 3.57 states that adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

Chapter 4: Active and Social Places

This theme supports and enables the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities. It emphasises that when planning and managing future development planning authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education. It promotes retail and commercial centres as hubs, for a range of activities, recognising their social, cultural and economic importance. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes (4.0.2).

The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds (4.1.19). Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout (4.1.20).

Paragraph 4.1.21 states that the Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 2, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance, and not adhere to ridged standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

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The Active Travel (Wales) Act 201322 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. The Active Travel Act requires local authorities to produce Integrated Network Maps, identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities (4.1.26). New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site 50 51 connections. Planning authorities should also seek to assist in the completion of the national cycle network and key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure. Planning authorities should seek opportunities to increase habitat connectivity, mitigate habitat fragmentation, and secure wider green infrastructure benefits along transport networks (4.1.33).

Paragraph 4.1.38 states that planning authorities should consider whether public transport services are of a scale which makes public transport an attractive and practical travel option for occupiers and users travelling to and from development sites. They should also consider whether it is necessary to mitigate the movement impact of a development and minimise the proportion of car trips that the development would generate. Where additional public transport would be required to allow development to proceed, an appropriate policy must be included in the development plan, and financial contributions secured through planning conditions and/or planning obligations.

To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. Planning authorities should ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances (4.1.39).

Transport Assessments are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for appropriately (4.1.56).

Paragraph 4.2.1 states that new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities. Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities (4.2.5).

Paragraph 4.2.19 states that as part of demonstrating the deliverability of housing sites, financial viability must be assessed prior to their inclusion as allocations in a development plan.

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At the 'Candidate Site' stage of development plan preparation land owners/developers must carry out an initial site viability assessment and provide evidence to demonstrate the financial deliverability of their sites. At the 'Deposit' stage, there must be a high level plan-wide viability appraisal undertaken to give certainty that the development plan and its policies can be delivered in principle, taking into account affordable housing targets, infrastructure and other policy requirements. In addition, for sites which are key to the delivery of the plan's strategy a site specific viability appraisal must be undertaken through the consideration of more detailed costs, constraints and specific requirements. Planning authorities must consider how they will define a 'key site' at an early stage in the plan-making process. Planning authorities must also consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, will be required to help deliver the housing supply.

Paragraph 4.2.21 states that where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers (4.2.25). Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing (4.2.26).

Paragraph 4.4.1 states that community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship. When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area (4.4.2).

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Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales (4.5.1).

Chapter 5: Productive and Enterprising Places

The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport (5.3.1).

Paragraph 5.3.6 states that planning authorities must promote and facilitate the provision and decarbonisation of high quality public transport infrastructure. Development plans should identify and support appropriate public transport routes, measures and facilities. This should take into account proposals in the Local Transport Plan (LTP), which could include improved facilities for bus passengers, park and ride schemes, new rail lines, including light rail, the re-opening of rail lines, the provision of new stations, and enhanced passenger services on existing lines. Development plans should also identify where additional public transport is required to support new development.

Chapter 6: Distinctive and Natural Places

Paragraph 6.0.2 states that the special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles. As well as those characteristics regarded as special or unique there are other, environmental qualities of places which are ubiquitous. Environmental components of places, such as clean air, access to open spaces and water quality, are linked to the quality of the built and natural environment. The environmental components of places influence and shape health and wellbeing as well as playing a role in sustaining and creating places which are adaptable and resilient to change. Distinctive and Natural places must maintain or incorporate green infrastructure, recognising the wide ranging role it can play, as key components of their natural and built fabric. Doing so will maximise health and well-being of communities and the environment (6.0.3).

The historic environment comprises all the surviving physical elements of previous human activity and illustrates how past generations have shaped the world around us. It is central to Wales's culture and its character, whilst contributing to our sense of place and identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset (6.1.1).

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Paragraph 6.1.5 states that the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved. The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not (6.1.23).

Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks (6.2.1).

Paragraph 6.2.3 states that green infrastructure is capable of providing several functions at the same time and as a result offers multiple benefits, for social, economic and cultural as well as environmental resilience. The components of green infrastructure, by improving the resilience of ecosystems, can result in positive benefits to well-being including flood management, water purification, improved air quality, reduced noise pollution and local climate moderation, climate change mitigation and food production. These benefits are important in urban environments where they can facilitate health and well-being related benefits of open space, clean air and improved tranquility, for example, as well as creating a sense of place and improved social cohesion. In addition, green infrastructure has a role in protecting local distinctiveness, providing economic benefits and social and community opportunities.

Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them (6.4.1). Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (6.4.5).

Paragraph 6.4.20 states that although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations.

Trees, woodlands, copses and hedgerows are of great importance for biodiversity.

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

Paragraph 6.6.9 states that the planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development. The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals (6.6.22). Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development (6.25). Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS (6.6.27).

Paragraph 6.7.1 states that clean air and an appropriate soundscape¹⁴³, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction (6.6.19). Ensuring that remediation measures are implemented to required standards is essential and planning authorities will require proof, in the form of a validation/ verification report, or equivalent, that this has occurred. For example, if a property is at risk from the migration of underground gases then a validation/ verification report should contain a test certificate demonstrating that it has been constructed with gas membranes which have been correctly installed, and the risks adequately mitigated (6.6.20).

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Technical Advice Notes

Technical Advice Note 1: Joint Housing Land Availability Studies (2015): This TAN provides guidance on the preparation of Joint Housing Land Studies to enable the monitoring of the provision of market and affordable housing and provide an agreed statement of residential land availability for development planning and control purposes. It states that Local Planning Authorities must ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing.

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

- * Include an affordable housing target in the development plan which is based on the housing need identified in the local housing market assessment.
- * Indicate how the target will be achieved using identified policy approaches.
- * Monitor the provision of affordable housing against the target (via the Local Development Plan Annual Monitoring Report) and where necessary take action to ensure that the target is met.

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

Technical Advice Note 10: Tree Preservation Orders (1990): This TAN provides guidance on where local planning authorities are to make adequate provision for the preservation and planting of trees when granting planning permission through the process of making Tree Preservation Orders (TPOs).

Technical Advice Note 11: Noise (1997): This TAN provides advice and guidance on technical issues in relation to noise and development. It states that Local Planning Authorities must ensure that noise generating developments do not cause an unacceptable degree of disturbance. It also states that Local Planning Authorities should consider whether proposals for new noise sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the future. This TAN also gives detailed guidance on how to assess such issues.

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

This TAN defines good design and stresses the importance of good design. Specifically in relation to Residential Development it states that achieving more sustainable residential environments is dependent on linking development to public transport and other uses and services, providing access to local services, and securing the most efficient use of land.

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For a successful residential area, the design of housing should establish a sense of place and community, with the movement network used to enhance these qualities, and to incorporate features of environmental sustainability. This TAN gives detailed advice on good design and states that development proposals, in relation to housing design should aim to:

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

Technical Advice Note 15: Development and Flood Risk (2004): This TAN sets out the advice and guidance in relation to development and flood risk. It sets out the way in which the risk of a development flooding and its consequences is to be assessed.

Technical Advice Note 16: Sport, Recreation and Open Space (2009): This TAN advises on the role of the planning system in making provision for sport and recreational facilities and informal open spaces, as well as protecting existing facilities and open spaces in urban and rural areas in Wales.

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

Technical Advice Note 20: Planning and the Welsh Language (2013): The purpose of this TAN is to provide guidance on how the planning system considers the implications of the Welsh language when Local Development Plans (LDPs) are prepared.

Technical Advice Note 24: The Historic Environment (2017): The purpose of this TAN is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. This TAN provides specific guidance on how the following aspects of the historic environment should be considered:

- World Heritage Sites
- Scheduled monuments
- Archaeological remains
- Listed buildings
- Conservation areas
- Historic parks and gardens

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- Historic landscapes
- Historic assets of special local interest.

Supplementary Planning Guidance (SPG)

Places to Live – Residential Design Guide (2014): This guidance has been prepared in order to set out the framework of design considerations in relation to new residential development within Swansea.

Planning for Community Safety (2012): This guidance has been prepared in partnership with South Wales Police to give guidance to all those involved in the built environment on the key issues to be considered in creating a safe environment where people can experience the best possible quality of life.

Planning Obligations (2010): This guidance has been prepared in order to set out how the Council will use obligations to ensure that, where necessary, the impact of development is mitigated by appropriate improvements to local infrastructure, facilities or services.

Car Parking Standards (2012): The aim of this guidance is to ensure that parking provision for new developments meets regional standards.

The Protection of Trees on Development Sites (2016): The aim of this guidance is to ensure that trees are considered early on in development proposals and the impact of development on all trees within a development site is carefully considered.

Background

This application is being reported to Planning Committee due to the size of the development, it is a departure from the Unitary Development Plan currently in force and has been submitted with an Environmental Statement.

If Members are minded to approve this application, it would need to be referred to the Welsh Ministers under the provisions of the Town and Country Planning (Notification) (Wales) Direction 2012

The purpose of the direction is to give the Welsh Ministers an opportunity to consider whether to exercise their call in powers under section 77.

Where the local planning authority is required to consult the Welsh Ministers, the direction places a restriction on the grant of planning permission for a period of 21 days, beginning with the date on which the local planning authority is notified in writing by Welsh Government Officials.

The direction does not affect the power of the Welsh Ministers under section 77 of the Town and Country Planning Act 1990, to direct that any particular planning application should be called in for their own determination, irrespective of whether it falls within the terms of the new direction, having regard to their policy on call in.

Following the extensive public consultation exercise on The City and County of Swansea Deposit LDP in 2016, the LDP has undergone examination and the Council are awaiting the binding Inspector's Report before adopting the plan in early 2019.

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The site is identified as a Strategic Development Area (SDA) within the Local Development Plan that has been submitted to the Welsh Government. SDAs have the greatest potential to contribute to the LDP's vision and objectives and deliver well-being and sustainable development. The size of SDAs presents sufficient scale to enable careful strategic master planning to ensure they create sustainable, cohesive, well-designed and quality new places which are delivered through a strong Placemaking approach. The economies of scale will enable the level of new infrastructure required to be provided and through careful siting of SDAs, they will address infrastructure deficiencies that exist within adjoining communities resulting in part from previous less sustainable developments. However, there is also an important need to address the identified housing requirements of all communities in the County.

The site is allocated as SDA D capable of providing an estimated 1,160 residential units during the plan period (with a greater number of homes beyond the plan period). LDP Policy SD D - WEST OF LLANGYFELCH ROAD, PENDERRY.

Neighbour comments:

The development was advertised in the Press on 2nd October 2017 and on site and in the surrounding area with 16 site notices (including Llangyfelach Road, Heol Pentrefelin, Heol Ddu, Mynydd Newydd Road, Penplas Lane and Templeton Way) as the application has been submitted with an Environmental Statement (EIA development).

7 letters of objection (from 6 residents) have been received in response to this application which are summarised below:

- Congestion - currently it takes 15 minutes to travel 2 miles to YGG Bryntawe (2 miles) and this development would add 10minutes
- New development would create a minimum of 4,000 cars on the road around rush hour
- An additional 2 children per family would require an extra 4,000 school places which is unsustainable
- Concerns over level of congestion and environmental pollution (air and noise)
- Proposal would have a negative impact on the city and its people
- Will destroy precious agricultural land that is needed to produce food
- Will wreck a swathe of wildlife habitat
- Negative impact on the health and well-being of the established population by increasing urban sprawl, congestion and result in a decrease in amenity space
- Development should proceed on brownfield sites within the city and not encroach upon the rural landscape
- Infrastructure would only benefit new residents, not existing residents
- Size of the development is excessive
- Green area of land behind resident's house is smallest in site – no consideration for residents on Templeton Way.
- Concerned all environmental risks have been considered and shared with residents
- Concern over publicity of application
- Loss of view
- Decrease value of homes

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Comments were also received on behalf of the Trustees of the Calon Lan Centre which is the organisation that has been set up to save, restore and bring back into productive community use Capel Mynyddbach, the home and burial place of the Welsh Bard Gwilym Iwan who wrote amongst other things the words to the famous Welsh Hymn Calon Lan. The Chapel is a well-equipped community facility that will lie near the heart of the proposed new development and the Trustees consider that there are opportunities to integrate the centre into the proposed development utilising the configuration of roads and footpaths.

Llangyfelach Community Council:

The Community Council most strongly object to the above planning application on the following grounds:

- A. Swansea Road, Llangyfelach is used frequently, for traffic travelling to and from Junction 46 of the M4 and often at speeds exceeding the relevant speed limit. Outside the proposed exit, from the new spine road onto Swansea Road, it is downhill and has been the subject of many speeding offences and a recent fatal road accident. The entrance/exit of the spine road from the proposed development is shown in Fig. 42. Of Vectos Traffic Assessment as opposite Nos. 7 and 9 Swansea Road, Llangyfelach and it is proposed to control this access point with traffic lights. No account seems to have been made in respect of its very close proximity to Heol Pentrefelin Road's junction with Swansea Road and the substantial flow of traffic from this road onto Swansea Road, especially on the site side exit of the proposed spine road, travelling to Llangyfelach Village and Junction of 46 of the M4. Such traffic includes vehicles from the DVLA, Morriston Hospital, Clasemont Road, Morriston Crematorium and Morriston. In addition, has the proposed development in the draft LDP of 675 new dwellings on Strategic Site G – Land North of Clasemont Road and the proposed 850 plus new dwellings on Strategic Site G – Land to the North West of Junction 46 of the M4 been taken into account plus the future expansion of the City and County of Swansea's Business Park on the former Felindre Steelworks site? It is assumed that your answer to this increase in traffic is another set of traffic lights at the junction of Heol Pentrefelin Road with Swansea Road? It would appear to the Community Council that such traffic lights, at both of these junctions would result in utter chaos and would only exacerbate and duplicate the traffic jams experienced at the lights at the junction of Heol Ddu, Llangyfelach Road/ Mynydd Garnllwyd crossroads, which would be minor in comparison. At the present time, at peak traffic hours, traffic can be queuing from the junction of Pengors Road to the traffic lights at Heol Ddu, Llangyfelach Road/ Mynydd Garnllwyd crossroads. In addition, the proposed spine road access on to Swansea Road, when completed, would probably result in the spine road becoming a short cut and "rat run" for most of the traffic using Heol Pentrefelin Road and Swansea Road, to travel to Swansea West and the Mumbles.
- B. The Community Council are of the opinion that due to its comments in a) above, that the proposed spine road should be built to a wider and higher specification than normal estate roads.
- C. The Council would also suggest that the proposed Primary School should be set well back from the spine road and adequate car parking facilities for staff and parents picking up and dropping off children for school, should be provided to alleviate car parking on the road outside the school entrance.

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- D. The site has substantial areas of Japanese Knotweed and the Community Council request that besides eradicating this nuisance, care is taken when vehicles leave the site, especially during the construction period, to ensure that none of this Knotweed is transported out onto neighbouring roads and adjoining properties.
- E. Foul Water Drainage – it is proposed that the foul drainage for this site, comprising 1950 no. dwellings, a new Primary School and District Centre of approximately 16,000 square feet will be to Gowerton Sewerage Works. It is well known to the Community Council that the Gowerton Sewerage Works has very little (if any) spare capacity and the Council is of the opinion that if the proposals contained in the draft LDP are acted upon, then the Gowerton Sewerage Works will have to be greatly expanded to deal with over 3,000 dwellings to be constructed in N and NW Swansea as proposed in the Swansea Draft Development Plan.
- F. Finally, the Community Council reserve the right to pass any further observations, when the reserved matters referred to in this outline planning application for this site, are considered by the Local Planning Authority and further request that the LPA inform the Community Council of any such details of such reserved matters.

Cllr Sullivan:

“I have objected most vehemently to this Development. I have also made a submission, along with the Llangyfelach Community Clerk and the current Chairman to the Planning Inspectorate. I have asked the Inspector to look at the present congestion on Swansea Road Llangyfelach, particularly during rush hour periods. I have also asked the Inspector, not only to visit the site at rush hour, but during the day to see for herself how catastrophic this Development, at this location would be. I also have concerns in respect of serious overlooking of properties on Swansea Road Llangyfelach due to the present elevations. Until the Inspector has visited and made her decision and the matters raised above have been given Inspectorate approval, I believe this Application should not be processed.”

Further comments following submission of Strategic Site application at Felindre:

“I am also concerned at the increase of traffic that will be generated if this application and the Application on Mynyddbach common are given approval. I have also asked the Inspector to attend a site visit on Swansea Road, Llangyfelach to see the present congestion, particularly during rush hour and School starting and finishing times.”

Consultation Responses

The comments below are the most up-to-date comments from consultees following amendments and re-consultation and on-going dialogue seeking to resolve issues given the scale and nature of the proposal. All comments submitted are available to view in full on the planning application page on the Council's website.

Highways:

“The applicant has submitted a Traffic Assessment Addendum following comments on the original TA.

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Key issues contained within the addendum are:

- Active travel links
- Public Transport
- Site Access
- Trip Generation
- Revised Forecasting and traffic modelling.
- Travel Planning

1. Active Travel Links

- 1.1 The revised Southern Access junction arrangement at the junction of Mynydd Newydd Rd and Penplas Rd includes a shared use path to the West side of the junction. This improves cycle and walking access from the site. The junction will be provided with all round pedestrian crossings.
- 1.2 Whilst the cycle and walking network internal to the site is proposed to be both direct and convenient, I still feel there is scope to improve the links to facilities external to the site and improve accessibility and permeability, and help reduce car usage.
- 1.3 There appears to be space to improve cycle facilities within the existing highway boundary on Mynydd Newydd road southbound towards the junction with Milford Way. There is sufficient adopted highway behind the back of footpath to increase the width of the path to 3m in line with Active Travel Act guidance.
- 1.4 The alternative active travel route which could be achieved through a wider bridge over the watercourse between LC93 and Milford Way roundabout, would provide an excellent off road link.
- 1.5 There are good quality pedestrian routes in the area, including formalised footways, crossings and Public Rights of Way.
- 1.6 Walking isochrones from the site have been updated to show real walking distance rather than radii and the distances to local facilities, to show the potential walking times. This demonstrates that local schools and shops have the potential to be accessed by walking.

2. Public Transport

- 2.1 Llangyfelach Road is relatively well served by public transport, amounting to roughly 12 services per hour, running between the city and Morryston/Llangyfelach.
- 2.2 Guidelines suggest a maximum of 400m walking distance to access bus stops related to an active bus route, the analysis shown approximately 80% of the site falls within this distance.

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- 2.3 This outline application relates to the principal of the development and the access points, the internal layout will be subject to further development and design.
- 2.4 The applicant is proposing to fund a demand responsive bus service, this is provided by Arriva and will be funded for 3 years via a total section 106 contribution of £900,000, starting at the end of year 1.
- 2.5 For year 1, the existing service 27 which runs from Swansea to Penplas, at 30 min frequencies is to be extended into both site entrances. This extension will also require a section 106 contribution of £120,000.
- 2.6 Demand responsive public transport is a relatively innovative and new type of service, it operates with no fixed route or timetable. It is proposed to cover an area which takes in the City Centre, Enterprise Park, Stadium and Morriston Hospital.
- 2.7 The service uses app based technology to book trips and, update the user as to the location of the service and estimated arrival time to the pick-up location. The operator proposes this can be covered with 6 vehicles, giving an average ETA of 10 minutes, and maximum of 20mins.
- 2.8 Arriva currently provide this type of service in Sittingbourne, Kent and across Liverpool. The Authorities in question both report good take up of these services.
3. Site Access
- 3.1 The Northern Site Access was assessed in the original TA, this will take the form of a 3 arm signalised junction on Swansea Road around 100m north of the existing Heol Pentrefelin junction.
- 3.2 The Southern Access has been relocated to the existing Penplas Lane, this will also take the form of a 3 arm signalised junction with all-round pedestrian facilities.
- 3.3 The form of the access junctions has been agreed in principle through a series of negotiations.
- 3.4 The junctions have been assessed in capacity terms through the use of Linsig models. This is industry standard software for modelling junctions, results are presented in terms of Degree of Saturation (DoS) and Mean Max Queue (MMQ) on a particular approach. Also overall junction delay and Practical Reserve Capacity (PRC) which is a measure of spare capacity within the junction.
- 3.5 Scenarios have been modelled for:
1. Current Year
 2. Current Year plus development
 3. 2026
 4. 2026 plus development

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- 3.6 The Southern site access shows worst case results in the final scenario 2026 with development where the junction is predicted to operate slightly over capacity in the PM peak. It should be noted that a Linsig model takes no account of demand dependant stages or adaptive signal control, this would typically result in a real world improvement of 15-20% in capacity terms. This means the junction would operate within capacity during all modelled scenarios.
- 3.7 Analysis shows the Northern Access is predicted to operate within capacity in all scenarios.
- 3.8 The 2 new junctions will be linked by a new spine street running through the development, in accordance with active travel guidance a 3m wide footway/cycleway will be provided along the entire length.
4. Trip Generation
- 4.1 Trip rates for the development have been derived from the TRICS database. This is a nationally accepted system used to establish likely trip levels from a wide range of development sites.
- 4.2 These can be filtered to suit the characteristics of the application site. To ensure a robust estimate the mode split has been averaged across the 3 wards in which the development sits.
- 4.3 The number of potential person trips have been calculated for the full quantum of 1950 dwellings, and disaggregated into journey type and mode split.
- 4.4 The trip estimate has been compared against the Swansea Strategic Transport Model and is considered to be both correct and robust.
- 4.5 Background flows and queue length measurements were undertaken in July 2015, these were grown using the Tempro database to the assessment year and assessment year +10. Scenarios have been modelled for 2016 and 2026.
- 4.6 The Tempro database and National Trip Model is a forecasting tool based on national and local factors. The site itself will be included within the forecast data, and as such there will be an element of double counting of traffic flows. As a result the predicted figures should be considered to be a worse case, which is unlikely to be realised.
5. Forecasting and Traffic Modelling
- 5.1 Analysis has been undertaken of junctions surrounding the site:
- Llangyfelach Rd / Heol Ddu
 - Brynhyfryd Square
 - Ravenhill Rd / Pentregethin Rd
 - Carmarthen Rd / Ravenhill Rd
 - M4 Junction 46

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Llangyfelach Rd / Heol Ddu

- 5.2 As a result of the new spine street, the junction is expected to experience a reduction in traffic under the final scenario, this is due to existing network trips diverting onto the new route. This reduction is more than the traffic expected to be generated by the development, and as such the development will have an overall beneficial effect to junction operation.
- 5.3 Modelled results show an over capacity in the final scenario however this is due to background traffic growth, it must also be noted that since the analysis was undertaken improvements at the junction to implement adaptive signal control has released significant additional capacity, and as such I am satisfied that the installation will remain within capacity.

Brynhyfryd Square

- 5.4 The junction shows a 9% over capacity in the PM peak for the 2026 including development scenario, this is predominantly due to background traffic, and similarly to the Llangyfelach Rd / Heol Ddu junction, recent improvements have not been taken into consideration. As such I would predict the junction to operate at around 90% of its theoretical capacity in the final scenario, taking into account the improvements already implemented.

Ravenhill Rd / Pentregethin Rd

- 5.5 Analysis predicts a significant over capacity in the final with development scenario, the effect of the development is most pronounced here worsening operation by around 30% in the AM and 50% in the PM.
- 5.6 It should be noted that beyond 100% capacity, modelled queues increase exponentially, and as such the results are likely significantly worse than can be expected in reality. Particularly as an isolated model assumes all traffic remains on the same route, it cannot take into account the effects of route choice, which will generally limit traffic using a road by virtue of the road's own capacity, drivers will seek new routes. This effect is demonstrated in the outputs from the Swansea Strategic model.
- 5.7 Some mitigation has been offered to widen the Mynydd Newydd Rd approach to provide separate ahead/left and right turn lanes. This can be achieved within the existing highway boundary and offers around a 20% betterment. This in conjunction with the application of MOVA control will result in junction at or just above capacity, but as mentioned in 5.6 this does not take re-routing or changes in mode choice, which further improves junction capacity.

Carmarthen Rd / Ravenhill Rd (Fforestfach Cross)

- 5.8 Analysis shows the existing junction approaching capacity, which is made roughly 20% worse in the final year scenario.

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- 5.9 Mitigation was offered to allow 2 lanes to turn right from Carmarthen Rd into Station Road with a merge arrangement on Station Rd. When this alteration was modelled it brought the junction back within capacity. Previous comments questioned whether this was the optimum and safest solution. Similar benefits can be realised from the use of improved signal control, a MOVA (Microprocessor Optimised Vehicle Actuation) implementation typically improves junction performance by around 20%. It is thought this is a more appropriate mitigation, as it would maintain a standard junction arrangement.
- 5.10 Figures show approximately an additional 100 vehicles proceeding south from Ravenhill Road to Station Road due to the development traffic. This increases to around 150 vehicles due to background growth.
- 5.11 Improvements at Caerethin Cross and Fforestfach Cross risk being nullified by the constrained nature of Station Road and the Cockett Road corridor. It would be appropriate to introduce linked MOVA at the Cockett Road / Cwmbach Road junction in order to improve flows along Station Rd. This could be undertaken for around £35k, as the existing signal equipment is of the latest manufacture and can be added to.
- 5.12 CCS has undertaken significant work further along the corridor at Gors Avenue to improve throughput, and is currently undertaking outline design at the Broadway Roundabouts. Improvements to Cwmbach Road would complete the corridor and realise the full benefits of the mitigation already offered.

M4 Junction 46

- 5.13 This is an extended roundabout to the North of the site where the M4 meets Llangyfelach Road and the A48. This has been modelled using Arcady software, some capacity adjustments were required to the model to accurately reflect the irregular nature of the junction. These were agreed with TRL, the software developer and are seen to be correct.
- 5.14 Analysis shows that for the existing situation a maximum RFC (ratio of flow to capacity) of 0.58 in the AM peak on the M4 eastbound offslip, and 0.78 on Llangyfelach Rd in the PM peak. The maximum RFC for acceptable operation on any one arm would be 0.85.
- 5.15 Future year plus development modelling shows a slight decrease in performance of around 2% overall. Demonstrating there is sufficient capacity within the junction to accommodate the development and background traffic.

6. Travel Planning

- 6.1 An interim Travel Plan has been submitted which details baseline conditions in terms of model split and travel demands.

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6.2 This seeks to influence travel habits of new residents by promoting initiatives to:

- Encourage less travel
- Encourage the use of sustainable modes over the private car
- Promote healthy lifestyles
- Encourage social inclusion
- Minimise environmental impact
- Promote Sustainability.

6.3 The travel plan sets baseline conditions, and sets a framework to promote travel by sustainable means.

6.4 The applicant will fund a travel plan coordinator for a period of 3 years from the beneficial occupation of the development, until such time that the development is sufficiently built out to allow a critical mass of residents to be involved with the TPC.

7. Conclusion and Recommendation

7.1 I recommend no Highways objections to the proposals subject to the following mitigation measures to be delivered under a section 106 agreement:

1. Agreed mitigation being implemented at Caerethin Cross £250k
2. MOVA install at Fforestfach Cross £45k
3. MOVA install at Cockett Rd / Cwmbach Rd £30k
4. Increase width of footway by 1m along East side of Mynydd Newydd Rd as far as existing crossing near previous Leos site, to form a shared use path and convert the existing Pelican crossing to Toucan operation. £25k
5. Contribution of £127,000 to be made to extend bus service 27 into and out of the site for year 1.
6. Contribution of £900,000 over 3 years (development years 2 to 4) for the provision of demand responsive bus service

7.2 All works internal to the site are considered to be integral to the development, as such they will be required regardless of the cost implication associated with their provision.

7.3 The new North and South Access junctions shall be completed to Highway Authority standards and specifications and delivered under a section 278 agreement.

Note: Access works will be subject to agreement with the Highway Authority. The Developer must contact the Traffic and Highway Network Management Group, Swansea County Council, Guildhall, Swansea SA1 4FE before carrying out any work. Please contact the Senior Engineer Highways Management, emails to networkmanagement@swansea.gov.uk, tel no. 01792 635380.”

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Pollution Control:

“Air Quality:

I have been through the Air Quality Assessment prepared by Air Quality Consultants Ltd, Report No. J2824/1/F1.

Whilst the report concludes that ‘overall, the air quality effects of the proposed development are judged to be ‘not significant’, the report does indicate that a ‘slight adverse’ could occur at receptor 28, Ravenhill Road.

Given that the data in table A4.1: Summary of Traffic Data used in the Assessment indicates that for 2019 (with the scheme) there is an increase in AADT for Mynydd Newydd Road to the west of the site access and to the north of Pentregethin Road along with Ravenhill Road. This additional traffic will access the existing AQMA declared in Fforestfach where Swansea Council currently monitors for Nitrogen Dioxide (NO₂).

Also, increased vehicle flows down Llangyfelach Road towards the northern boundary of the Hafod area of the Swansea AQMA 2010 has the potential to negatively affect concentrations especially at peak traffic periods.

Welsh Government’s, Local Air Quality Management in Wales Policy Guidance (June 2017) requires that the ‘Our long-term goal for air quality should be twofold, to achieve compliance with the national air quality objectives in specific hotspots and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit’. The increase in traffic created by this development may need to be actively managed during peak periods in order to minimise potential elevated concentrations of NO₂ along road links to the west and south of the development.

I would be looking for contributions, in the form of a section 106 agreement, from the applicant to enable, for example, the capture of real-time data for NO₂ to feed into the Nowcaster System (Air Quality Action Plan), a Variable Messaging Sign, in order to enable the Nowcaster forecast to accurately produce its output to inform members of the public about the possible occurrence and risk of episodes of poor air quality within these areas. These occurrences are likely to take place at peak traffic periods within the AQMA.

Land:

Whilst the comments made by NRW mirror my own I would only add that the assessment carried out should take into account the public health pathways as well as those of controlled waters.”

Further Comments:

“The response document that has been submitted by Air Quality Consultants reiterates their comments that the overall air quality effects of the proposed development are judged to be ‘not significant’.

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Unfortunately, whilst the modelled data shows that their projections are compliant with the annual mean objective concentrations for Nitrogen Dioxide (NO₂) there has been no comment regarding Welsh Government's Local Air Quality Management in Wales Policy Guidance (June 2017) requirement that:

'Our long-term goal for air quality should be twofold, to achieve compliance with the national air quality objectives in specific hotspots and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit'.

As previously stated, excepted that the Air Quality Assessment has looked at the worst case scenario, the modelled output has indicated that at some of the modelled receptors there have been 'slight adverse' impacts. The Local Authority cannot accept that these results are compliant with, the second strand within the statement above within, Welsh Government Policy

Again, it has been stated that the traffic data that has been utilised in the Air Quality Assessment has been taken as the worst case scenario for 2019 and that the AADT's stated are more likely to be realised by 2025 when the development is expected to be completed. Several of the traffic flows modelled show an increase in AADT for the area and this is very likely to lead increase in vehicle emissions within the locality.

The Pollution Control Division would expect to see contributions from the developer to enable either a reduction in potential vehicle emissions by the provision of electric charging points for example or contributions to enable quantitative pollutant concentrations to be collected over time so that a better understanding of the effect that the increased traffic, created by the development, will have on the surrounding residential exposures.

To state that the development will have negligible effects upon Air Quality does not satisfy the direction that Welsh Government Policy provides."

Drainage:

"We have reviewed the submitted information and have commented in the past, the following some of which has been addressed and some which has not.

We refer to Tables 1 and 2, the run-off rates have been generated using ICP SuDS which is based on FSR. In accordance with the most recent Natural Resources Wales guidance for plot scale run-off calculations, pre-developed run-off rates should be obtained using the Statistical, ReFEH2/FEH2013 or IoH124 methods as identified in the CIRIA SuDS Manual. This may have an impact on the level of attenuation required within each phase and consequently the masterplan.

We refer to Table 3 the Qbar rates within it seem to be based on the total area and not the potential impermeable area contributing to the drainage network i.e. Parcel 2 would discharge at 16.17l/s not 26.9l/s, again this will have an impact on the level of attenuation required within each phase and consequently the masterplan.

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We refer to Section 4.25 that refers to discharging surface water to DCWW sewer, it would be helpful if it could be confirmed the line that any SW would discharge to, we understand that CCTV surveying will be undertaken to establish the route and capacity, the results of which will affect the design and will need to be included with any future submission.

Notwithstanding the discharge rates for each phase and impermeable areas as they come online, it has been identified that there are flooding issues on the receiving watercourse. There are two culverts at Cadle Mill, SA5 4PA, one of which is adjacent to 3 properties, in the past two weeks (Sept/October 2017) internal flooding to these has occurred on two separate occasions. It has been tentatively identified that the issue may not be the culvert but the current grid which is not compliant with the 2009 Trash Screens Design and Operation Manual. The applicant has agreed to contribute to the cost of an upgrade and it is understood that the exact level of contribution is subject to negotiation through the Section 106 process of the Town and Country Planning Act. However this would be in conjunction with an approved drainage strategy which acting in combination over the years to come would offer catchment flood risk benefits to the properties affected.

Has urban creep been considered as part of the SW design process, if not no extensions (conservatories etc.) or changes in impermeable area for the lifetime of the development will be permitted. This will need to be included within the proposed flow rates and volumes or a means of adjusting the hydraulic controls included once a certain point has been reached. We understand that this has been allowed for by using a 60% impermeable area/allowance but it is unclear how either discharge rates or attenuation volumes will be altered to allow for any changes.

It is understood that to unlock foul flows for the development that SW donor sites have been identified, it would be helpful if these were included within the report, each site removed from the DCWW network and discharged elsewhere will need their own Drainage Strategy and may require attenuating depending on the site specific circumstances.

It would be useful if we could understand how the regional controls/features will be delivered bearing in the mind the development phasing.

Moving onto new aspects that have greater clarity now that Schedule 3 of the FWMA is going live from 7 January 2019, section 4.16 states that all drainage up to and including the 1 in 30 year rainfall events will be contained below ground, we assume this includes the use of conventional piped SW networks, however this approach would not comply with what are currently the non-statutory SuDS Standards. WG have confirmed that the 6 standards will apply to the entirety of any drainage scheme including conveyance features which in effect precludes the use of piped networks on a strategic basis. For example the Design and Access statement has illustrative cross sections for the various street hierarchies but there appears to be no allowance for the use of above ground conveyance features i.e. swales, rills, rain gardens etc.

There are proposed transitional arrangements in place which are as follows;

- Existing sites and developments with planning permission granted or deemed to be granted (whether or not subject to any conditions as to a reserved matter – but see also below) or for which a valid application has been received but not determined by 7 January 2019, will not be required to apply for SAB approval.

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- SAB approval will still be required if the planning permission was granted subject to a condition as to a reserved matter and an application for approval of the reserved matter is not made before 7 January 2020.
- The second statement will likely force a complete design shift in at least some of the phases in regards to the drainage scheme and will in all probability affect sub area master planning, land take, housing density, spine and lane street scenes, highway widths, service routes/crossings and adoption etc.

Dwg W151644A/A/22 Rev E shows the site access, the layout indicates that the existing watercourses there will be affected, has this restriction been considered as part of the layout as the Authority's policy is not to permit culverting for any reason other than access.

It would be prudent to have further discussions regarding the required strategic master planning amendments to comply with Schedule 3 of the FWMA 2010.

If the LPA is minded to approve the application we would recommend the following to secure the provision of an appropriately designed drainage scheme.

Condition 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.

Condition 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.

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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.

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.

Condition 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.

Informatives

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."

Placemaking and Heritage Team Leader:

The Placemaking and Heritage Team Leader has been heavily involved throughout the pre-application and application process and these comments are included below in the "Place-making" section of the appraisal to avoid repetition given the comprehensive nature of the comments.

Housing:

"The Housing Service will require the provision of 20% affordable housing, phased in clusters throughout the site (phasing to be determined/ negotiated). They have requested that the AH units include a range of DQR compliant house types/ sizes with a mix of tenure to include social rent, intermediate rent and sale (to be determined/ negotiated). The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units."

Strategic Planning:

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016.

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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. 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.

The following UDP policies are considered particularly relevant to determining the application:

EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV25, EV29, EV30, EV33, EV34, EV35, HC3, HC17, EC4, EC6, EC9, AS1, AS2, AS6, R2.

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 within the Countryside and 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 ('The Guidance Note'). It 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 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 D refers)

The Guidance Note states at Para 4.5 that [emphasis added] '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.

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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. In addition to the supporting information normally required to determine applications, proposals will also need to be accompanied by the following evidence [relating to inter alia Financial Viability, Housing and Infrastructure Delivery and Welsh Language Impact]'

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 the Council as being appropriate for independent review by Planning Inspectors at Examination.

Given the above new and emerging strategic planning context and policy framework, there is clearly a Council approved mechanism in place to potentially allow a departure application at this location. The principle of development at this location has been accepted, and has been assessed for the purpose of the LDP allocation as not unacceptably compromising the extent of open land that separates this settlement from other settlements further west. Notwithstanding this in-principle acceptance of developing this greenfield site, 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. Whilst an emerging LDP typically has very limited weight for determining planning applications, it is important in this case 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. In particular I would highlight the Placemaking principles and Development requirements set out in Policy SD 1 and (site specific) Policy SD D, 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 D are:

PLACEMAKING PRINCIPLES:

- Create a significant new sustainable urban village, comprising of a number of character areas, with a structure of walkable neighbourhoods and which provides the full range of community facilities, Active Travel networks, public transport networks, plus open space for the new and existing community.
- Create a connected multi-functional Green Infrastructure network within the site that facilitates Active Travel, with particular emphasis on creating a series of e-w linear parks as key features of the site, retaining existing trees and hedgerows, integrating landscape and protecting biodiversity, including appropriate landscaping, and opportunities for formal and informal play and recreation.
- Provide a mix of higher densities at the local centre and at key points in the layout and lower densities on the rural/sensitive edges.
- Deliver a new local hub/local centre at an accessible point on the spine street, with a focal public realm area, which includes units for commercial and/or community uses with active frontages and flexibility for residential and/or commercial on upper floors.
- Retain the existing farm lane as an Active Travel route.
- Ensure a positive relationship with any existing buildings on site, and with Mynyddbach Chapel and its setting.

DEVELOPMENT REQUIREMENTS

- Full primary and secondary contributions to reflect the impact of the development to be provided through new build 2.5 form entry Primary school.
- A new internal spine street to provide access to the development area and connect Heol Ddu and Llangyfelach Road.
- Extension of the spine street within the site to provide for a connection to a future highway link that will connect the site to the A48 to the North.
- Off-site highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessment and as identified on the Transport Measures Priority Schedule, including the potential requirement for a future highway link outside the site to connect the development areas to the A48 to the North.
- 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, including linkages identified on the Transport Measures Priority Schedule as follows: AT 19 - Links to footpaths to the west of the site, AT20- Central Shared Use path, AT21- Peripheral link.
- Incorporate existing PROW within the development by appropriate diversion and enhancement to form legible and safe routes. Retain existing maintained track as a bridleway or footpath.
- New local centre uses to include:
 - Commercial uses with residential above
 - Flexible commercial space at other key nodes within the site.
- Provide 2 formal pitches and changing rooms to the North of the site as a focal point in the neighbourhood to be managed by local sports clubs/ Community Council or third party.
- Retain and provide suitable buffers to habitats, trees, hedgerows and SINC. The SINC should be excluded from the development and a suitable buffer strip will be created along the western and northern site edge bordering the off-site.
- New proposed balance ponds should receive supplementary native local provenance planting to provide cover for wildlife and links to existing habitats.
- Retain and integrate existing farm buildings for sustainable use.
- Explore feasibility of provision of Extra Care Home facility.

The supporting text to Policy SD B emphasises that the site has the potential to deliver up to a likely limit of 1800. Whilst the proposed number of homes for the site exceeds this suggested capacity, this may be appropriate subject to the detailed masterplanning work. The text emphasises that the scale of the opportunity at this location is to create an urban village based upon a number of new walkable neighbourhoods between Penplas and Llangyfelach. It also highlights that it offers the opportunity to stimulate regeneration of the wider area, which comprises some of the most deprived parts of Swansea, by introducing and sustaining complimentary facilities for both the existing and new communities to use. In terms of the specific proposals identified in the policy the supporting text emphasises that:

- The provision of a community hub should create a variety of neighbourhood uses including a District Centre which should be positioned in an accessible location adjacent to the spine street and Green Corridor, and provide such facilities as a supermarket, unit shops, café pub and other community facilities including a new Primary School.

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- The development of a new primary school 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 program to be agreed with the Council to ensure its completion before beneficial occupation of the total number of proposed dwellings.
- A new spine street will be provided through the site from the B4489 Llangyfelach Road in the east to Mynydd Newydd Road in the south, which has significant potential to alleviate congestion within the area in combination with other infrastructure improvements. The 'through route' must be delivered prior to a significant proportion of the homes and associated development coming forward at the site. All transport proposals for the area will be subject to further detailed assessments, which will consider the wider impact on the transport network and the opportunities for sustainable travel. Such assessments will need to robustly consider the requirements set out in the Transport Measures Priority Schedule for an additional strategic link from the site to connect to the A48.
- Off-site highway improvements will need to be undertaken to enhance the capacity of the surrounding network, and alleviate current issues of traffic congestion and air quality.

Finally, the LDP supporting text highlights that, given the scale of the site, it must be based on distinct walkable neighbourhoods /character areas to ensure legibility. These neighbourhoods should be founded upon the historic environment through the retention and reuse of the existing buildings such as the farm houses and barns/out buildings. Furthermore, the landscape features such as hedges, field trees and tree groups must be retained and augmented/integrated into the masterplan not only to provide ecological functions, but also to provide a strong and distinct sense of place. It is highlighted that a number of east-west Green Corridors should be a key feature of the site to positively integrate existing communities and increase connectivity throughout the area. This should integrate the site's Green Infrastructure and accommodate opportunities for formal and informal play, Active Travel and SuDS.

I have emphasised above the importance of compliance with the relevant LDP policy framework in order for a departure to be potentially acceptable, and that variance with some UDP policies (such as Green Wedge Policy) is potentially acceptable given the updated evidence base. Notwithstanding this it remains the case that other UDP policies still apply for determination. Given the particular circumstances and nature of the proposals, key UDP Policies, that are listed at the beginning of this report, which the applicant must satisfactorily address, relate to:

1. Design/Placemaking
2. Environmental Protection and Mitigation
3. Affordable Housing
4. Drainage
5. Green Infrastructure and Open Space
6. Provision of important infrastructure, including transport
7. Retailing and Neighbourhood Facilities

Taking each of these in turn:

1. Design/Placemaking – It is expected that detailed comments will be provided from the relevant Council department for consideration. These comments should be referenced against the UDP policies referenced above to assess compliance of the proposals.

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2. Environmental Protection and Mitigation – It is expected that detailed comments will be provided from the relevant Council department for consideration. These comments should be referenced against the UDP policies referenced above to assess compliance of the proposals.

In respect of the requirements for Habitats Regulations Assessment (HRA) I would advise the following:

The HRA preliminary screening of the Deposit LDP determines that there would be no likely significant effects on a European Site either alone or in combination with other plans. (Sections 5.6 – 5.10 and figure 5.1 provide a summary with the assessment in Appendix 1). Section 3 of the HRA looks at the potential effects associated with the deposit Plan and these have been considered at a generic level to reach the conclusion of no likely significant effect. For the site west of Llangyfelach Road, SD D, most of these potential effects (aquatic, marine coast, mobile species, recreation, disturbance noise/light and air pollution) have been screened out for reason G 'Policy or proposal that could not have any conceivable effect on a site (screened out).' It therefore seems unnecessary to further assess SD D for these potential effects. It may be necessary to state this in an assessment in order to meet the requirements of the habitat regulations. The potential effects of water abstraction and the discharge of waste water are screened out because there are mechanisms in place which could manage the increase in water abstraction and waste water such that adverse effects would be avoided. Any further assessment could usefully emphasise how these mechanisms work in relation to this development in order to meet the requirements of the habitat regulations.

For waste water discharge, the mechanisms that are in place are summarised as follows:

- DCWW has a general duty under section 94 of the Water Industry Act 1991 to drain the area and the discharge of wastewater by DCWW is licensed by NRW. However, the HRA of the Deposit LDP recognises that the consenting and management options available to NRW are limited by the capacity within the existing infrastructure and the existing pollutant levels in the CBEEMS and therefore must consider whether there are viable options available to both NRW and DCWW to meet waste water discharge requirements without detriment to the CBEEMS.
- It has already been determined that if development can be accommodated within the existing post Review of Consent (RoC) discharge consents the development would not be likely to have a significant effect on CBEEMS (Habitats Regulations Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site, David Tyldesley & Associates, 5th March 2015.).
- In a situation where an allocation might exceed available permitted capacity then a new or modified consent will be required to allow DCWW to provide for the increased demand. Such permits would be granted by NRW and be subject to a HRA.
- For Gowerton WWTW the MoU ensures that any new development connecting to it removes an equivalent amount of surface water from the system. In this way there is no increase in volumetric flow to the Gowerton WWTW and LDP allocations utilising Gowerton WWTW (including SD D) could be delivered within the volumetric limits of the existing consent (as the compensatory water removal ensures that there is no overall increase in flow). The compensatory surface water removed may come from the Council's register or DCWW register as a result of improvement works.

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- There are also qualitative limits to the permits that must be adhered to. Through the required monitoring processes any potential issues with biological capacity (water quality) will be identified in a timely manner and discharge consent modifications or variations applied for, which will be subject to HRA. NRW has confirmed that they are confident that permitting options exist through which they will be able to consent to necessary variations or modifications to discharge consents to accommodate the allocations but also state that such consents will be dependent on environmental conditions at the time of applications and DCWW willingness to implement mitigation measures e.g. phosphate stripping.
- In the unlikely event that biological capacity cannot be addressed through a variation or modification to discharge consent there remains an option for the implementation of a nutrient management plan. This will look at all sources of increased nutrient levels entering the CBEEMS not just wastewater and could include activities such as farming practices. Reference to support for a Nutrient management Plan is a suggested Non-substantive change.

In a representation made to the Deposit Plan, DCWW stated that 'Gowerton – there are no issues in the WwTW accommodating the foul flows from the LDP allocations.' It needs to be confirmed that the additional waste water from the site can be accommodated within the existing discharge consents but this needs to be confirmed with DCWW and clarified in an assessment to meet the requirements of the Habitat regulations.

For water abstraction the mechanisms in place are:

Water abstraction is licensed by NRW. Decisions are based on DCWW's Water Resource Management Plan (WRMP) which has been the subject of a HRA. The current Plan predicts that the Tywi WRZ which supplies the Swansea area will be in surplus throughout the period of the LDP (refer section 10.24). This should be clarified.

Also relating to Environmental Protection and Mitigation, the extant policy framework makes clear the importance of ensuring there is no unacceptable impact on mineral resources arising from development. UDP Policy R2 sets out the requirements for a full assessment of potential mineral resources, where development would affect known resources. This is echoed in Planning Policy Wales (PPW), which requires that non-renewable resources are safeguarded from sterilisation by non-mineral development in case they are required by future generations and provides for consideration of the potential prior extraction of mineral resources prior to other forms of development taking place. Prior extraction refers to the removal of mineral resources that are winnable by surface mining methods from development sites, prior to commencement of construction work. At 14.2.1 it states - It is important that access to mineral deposits which society may need is safeguarded. This does not necessarily indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, have been considered." At 14.7.3 it states - Areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes."

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3. Affordable Housing – whilst the Council's Housing Dept will provide comments, I would highlight that the site has been subject to an Independent Financial Viability Appraisal (IFVA) as part of work to evidence the LDP allocation, which was 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 up to 20% affordable housing can be delivered at the site.
4. Drainage – It is expected that detailed comments will be provided from the relevant Council department for consideration
5. Green Infrastructure (GI), including Open Space – A site specific GI Assessment has been produced by the Planning Authority, in partnership with stakeholders and other Council departments. This Assessment has been used as an informative to discussions with the applicant regarding its responsibilities to meet the LDP policy requirement of creating a connected multi-functional Green Infrastructure network within the site, which facilitates Active Travel, with particular emphasis on creating a series of e-w linear parks as key features of the site, retaining existing trees and hedgerows, integrating landscape and protecting biodiversity, including appropriate landscaping, and opportunities for formal and informal play and recreation. The Council's biodiversity team are reviewing the Council's strategic GI network and the role of LDP strategic sites in enhancing this network. The applicant should continue to engage with the Council to ensure its proposals adhere to the outputs of this GI work, in the interests of achieving high quality sustainable development that maximises the benefits from ecosystem services.
6. Provision of important infrastructure, including transport – It is noted that the transport proposals for the site do not fully align with the proposals set out in the LDP Transport Measures Priority Schedule – this includes the additional strategic link from the site to connect to the A48 and the off-site highway improvements highlighted for Junction 46 of the M4. It is also noted that alternative proposals are put forward to in effect 'discount' trip rates and promote public transport and sustainable travel as realistic alternatives to the private car to achieve a modal split. It is expected that the Council's transportation department will provide detailed comments on the merits of these proposals (and the applicant's overall transport strategy), and provide a technical assessment of the suitability of the approach. Officers will consider whether they consider the proposed omission of improvement measures set out in the LDP is acceptable, having regard to the detailed assessments carried out by the applicant which is suggested by them to obviate the need for certain measures to be provided. Whilst the focus on sustainable travel measures is welcomed as part of the proposals, the non-compliance with the LDP sought measures should only be considered acceptable by the LPA if the technical assessment of the Council's Transportation Department resolves that the scheme would not give rise to unacceptable impacts on the highway network. Furthermore, it is critical that sufficient detail is provided by the applicant to demonstrate that the quality, legibility and attractiveness of proposed active travel and public links to/from the site to key destinations will be such that these modes will provide a realistic alternative for travel. The likelihood of achieving the proposed modal shift is in my view significantly dependent on such links/services through and beyond the site meeting these 'tests' of quality, legibility and attractiveness.

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7. Retailing and Neighbourhood Facilities – The proposed new neighbourhood will deliver a local commercial centre at the heart of the development. This is in compliance with the specific requirements sought by the LDP to deliver such provision for the benefit of the new community and help reinforce a sense of place. National guidance (Planning Policy Wales, Section 10.4), which the adopted UDP accords with, states that:

When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;
- quantitative and qualitative 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;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

PPW states at 10.4.4 that for smaller retail planning applications (i.e. stated in PPW as less than 2,500 sqm GFA for developments that require RIAs), local planning authorities will need to determine whether an assessment of retail impact is necessary, for example if the Authority considers a development smaller than 2,500 sqm may have a significant impact on a centre. It states that requests for retail impact assessments by local planning authorities on smaller developments should be proportionate to potential impacts. PPW also states at 10.4.5 that the three standard requirements for retail need assessment, sequential test and retail impact assessments may apply to new retail developments, but that proposals in accordance with an up-to-date development plan will not require the application of a test, as this will have been undertaken when the plan was prepared.

With regard to the sequential approach, whilst the proposed retail and leisure uses are technically being proposed at a currently greenfield site in an out of centre location (on the basis of the existing settlement pattern in the adopted UDP), clearly the suitability of the commercial element of the scheme can only reasonably be considered in the context of the wider development that is proposed, rather than the current greenfield situation.

Given the above, the national and local policy context (including specific requirements in the LDP for a commercial centre to be provided at the heart of the new neighbourhood), and having regard to the location of the commercial centre as shown on the submitted masterplan, I do not consider it reasonable or necessary to request the applicant undertakes a sequential test, or that they carry out an impact assessment of the small scale commercial element. The commercial centre is well located, in an accessible location at the heart of the neighbourhood, connected to proposed residential by active travel links.

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It is proposed at the most preferable location in relation to the wider development context. The proposals are limited in scale to A1 retail of no more than 1,000 sqm, and separately a pub. Both the UDP and LDP refer to this threshold as being commensurate with 'small scale' commercial development. My judgement is that a small scale proposal of this nature, at the location shown in the masterplan, does not give rise to any potential concerns regarding adverse impact upon the vitality, viability or attractiveness of existing centres. National guidance as outlined above allows for such a judgement to be made by the Authority, without the need for detailed technical assessments to be submitted.

A planning condition would provide an appropriate mechanism to restrict the maximum size of any retail unit within the commercial centre to no more than 1,000 sqm GFA, which may be necessary in the interests of limiting unit sizes by way of extensions, mezzanines etc.

The applicant has submitted only limited information in terms of evidence for retail need, by means of a submission from a specialist agent. The principle of the need to integrate a commercial centre, incorporating A1 retail, at the heart of the new neighbourhood to serve the day-to-day needs of residents is promoted by the LDP. It is needed in the interests of facilitating the growth of sustainable communities and creating a sense of place and is an important development principle as part of a well-planned scheme. Given that the policy context confirms that the Authority has already accepted there is a need in principle for commercial uses at this location to serve future residents, it is only the level of need that requires consideration. The above analysis states that the small scale nature of the proposals obviate the requirement for an impact assessment to be carried out, and moreover that they would not reasonably give rise to any potential concerns regarding adverse impact upon the vitality, viability or attractiveness of existing centres.

Whilst national guidance permits the Authority to request detailed evidence that it sees fit to demonstrate quantifiable levels of need to substantiate any retail proposal not located in a designated centre in an adopted Plan, for the reasons outlined above I do not see value in requesting further information from the applicant in relation to such evidence, over and above that which has been submitted. My view is that this is unnecessary given:

- The principle of the retail need at the location proposed is already agreed by the Authority;
- There are no concerns about the current proposed commercial uses being a potential 'over-provision' having regard to the small scale nature of the proposals and there being no significant adverse impact on existing centres
- If in future the applicant suggests the current proposed commercial uses are an 'under-provision', any future planning application for larger scale commercial development (such as a foodstore) can be considered on their merits at that stage, which the Authority can require must be supported by evidence of need if this is judged to be necessary at that time. This evidence will be necessary where potential impact on other centres becomes a concern.

Conclusion

It is clear that the proposal is a departure to the UDP, however the unique circumstances of the site and new/emerging policy framework highlighted above provides a mechanism to allow a departure to the Council's extant Development Plan in this case.

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This is subject to the LPA being satisfied that, following the outcome of consultations with statutory consultees and other Council departments on technical areas, the applicant successfully addresses key matters relating to Design/Placemaking, Transportation, Affordable Housing Provision, Drainage, Green Infrastructure/Open Space and Biodiversity.

The site promoters have made significant efforts to liaise with the Planning Authority and key stakeholders during the formation of its proposals for the site, including work undertaken to produce the masterplan and complementary documents. As a result the applicant has sought to incorporate the essential elements and requirements of the LDP Policy into the proposals which is welcomed. I would encourage continuing dialogue with the applicant to reach satisfactory conclusions on some of the key areas outlined above, which will be an important part of resolving S106 obligations.

Having regard to the analysis in the paragraphs above, if the relevant technical areas can be suitably addressed through on-going discussions, I consider the scheme would be an acceptable departure that has huge potential to create an attractive new neighbourhood and community for Swansea, one which importantly will deliver a significant number of new open market and affordable homes to address identified needs, alongside community facilities that will benefit the wider locality.

Finally, I would highlight the importance of ensuring there are sufficiently detailed plans and documentation submitted as part of the outline application to give the Planning Authority enough clarity and confidence that future reserved matters applications will be in accordance with the LDP Development/Placemaking Principles, and that homes will be delivered in accordance with the indicated trajectory. The Developer Guidance Note highlights that outline proposals should be of a 'hybrid' nature in order to provide this confidence, including the submission of parameter plans that will apply across the site and detailed proposals for key elements such as elements of the highway proposals. The use of planning conditions provides a mechanism to require the timely submission of reserved matters proposals to comply with parameter and principles plans submitted by the applicant at this outline stage, to be agreed with the Authority.

Further Comments:

"The Swansea UDP was 'time expired' on the 31st December 2016 and the Authority has been formulating its replacement, the Swansea Local Development Plan (LDP). Notwithstanding that the statutory starting point for decisions should be the extant UDP (for the purposes of section 38(6) of the Act), it is appropriate to consider whether other material considerations/particular circumstances indicate that a determination should be made otherwise than in accordance with the prevailing Plan. This includes consideration of the emerging LDP. In some instances such considerations could potentially be decisive to determining a proposal. Planning Policy Wales (PPW) para. 4.2.4 states that where the relevant development plan policies are considered outdated or superseded (para. 2.7) there is a presumption in favour of proposals in accordance with the key principles (para. 4.3) and key policy objectives (para. 4.4) of sustainable development in the planning system. PPW paras. 2.7.1 and 2.7.2 state that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations in the determination of individual applications.

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This may include national planning policy or emerging LDP policies/new evidence. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development in an up to date context (paras. 1.1.4 and section 4.2). PPW does not define 'outdated or superseded' and invites the decision maker to consider having regard to new evidence, changes in circumstances and in light of the presumption in favour of sustainable development. The examination of what is needed for sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW.

The weight that can be given to an emerging LDP is governed by PPW para. 2.6.2 where it states "In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption". When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. The LDP is plainly at a very advanced stage. Whilst certainty regarding the plan will only be achieved once the Inspector publishes the binding report, PPW 2.6.2. does not suggest that weight can only be placed on the plan at this stage. In considering what weight to give to the specific policies in an emerging LDP as relating to a particular proposal, the decision maker must carefully consider the underlying evidence and background to the policies, including any objections made to these, and the exact stage the Plan has reached in advance of adoption.

The emerging Swansea Local Development Plan (LDP) is currently subject to Examination and, following the completion of all programmed hearing sessions, the 'Matters Arising Changes' (MACs) to the Deposit version are now being consulted on until mid-December 2018. On the basis of this timetable the Examination Inspectors have written to the Authority confirming their intention to submit their Report on the LDP to the Council in early January 2019. Given this advanced stage in the process, with the modifications to the Deposit Plan being known and subject to consultation, there is a degree of certainty as to the Plan's content. Given the nature of the LDP policies insofar as they relate to this application, and the fact that the Council and site promoter entered into a Statement of Common Ground for the Examination covering policy matters relating to the site, I consider the LDP should be of substantial material weight to determining this application."

Education:

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

1. Planning Application: 2017/1822/OUT - SDA D Land West Of Llangyfelach Road, Tirdeunaw, Swansea.
2. Catchment Schools, capacity and projected capacity
 - 2.1 The development cuts across three wards (Mynyddbach, Penderry and Llangyfelach), and the catchment schools have been provisionally designated as:

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	Catchment schools	Number of unfilled places January 2018	%	Forecast Number of unfilled places September 2024	%
English Medium Primary	Portmead	70	28.23%	93	37.50%
English Medium Secondary	Bishop Gore	176	12.50%	57	4.05%
Welsh Medium Primary	YGG Pontybrenin	43	8.58%	3	0.60%
Welsh Medium Secondary	YG Gwyr	119	11.48%	-176	-16.97%

3. Demountables

3.1 It should be noted that YG Gwyr currently has 1 single and 3 double demountables. YGG Pontybrenin currently has 3 double demountables.

4. SPG Pupil Generation:

Penderry Ward

Penderry Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 10.9 %			10.9%		89.10%	
Primary	604.5	£6,269,874.00	66	£682,850.99	538	£5,580,136.00
Secondary	429	£6,798,792.00	47	£741,068.33	382	£6,053,936.00
Post 16 provision	78	£1,327,014.00	9	£144,644.53	70	£1,190,910.00

5. Existing Commitments

School	Pupil numbers	PA – Description
Portmead Primary		
	3	Land at Milford Way, Penlan
Portmead Primary Cumulative Total	3	
Bishop Gore Comprehensive		

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	10	Former Walkers Crisp Factory
	2	Land at Milford Way, Penlan
Bishop Gore Comprehensive Cumulative Total	12	
YGG Pontybrenin		
	6	Beilli Glas, Glebe Road, Loughor
	3	Former Walkers Crisp Factory
	1	Land Adjacent to 76 Brighton Rd, Gorseinon
	1	Land Adjacent to Heol Eifion,
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	5	Land at Heol Pentrebach, off Frampton Road
	66	Land North of Garden Village
	6	Land North of Llewellyn Road, Penllergaer
	1	Land off 16 Frampton Rd,
	5	Land South of Glebe Road,
	8	Land south of Loughor Road,
	3	Former Council offices, Penllergaer. (Civic)
	1	Land off The Croft, Castle Street, Loughor
	3	Land off Loughor Road, Loughor
YGG Pontybrenin Cumulative Total	112	
YG Gwyr Comprehensive		
	3	(DM Site) Former Clayton Works
	4	Beilli Glas, Glebe Road, Loughor
	2	Former Bible College
	3	Former Cefn Gorwydd Colliery,
	2	Former Walkers Crisp Factory
	2	Hendrefoilan Student Village
	2	Honeybee Nursery, Clos Cwrt y Carne, Penyrheol
	4	Land at Cae Duke, Loughor Rd.
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	3	Land at Heol Pentrebach, off Frampton Road
	4	Land North of Llewellyn Road, Penllergaer
	2	Land off Loughor Road, Loughor
	1	Land Off Summerland Lane, Newton
	2	Land south of Beauchamp Walk
	4	Land South of Glebe Road,
	5	Land south of Loughor Road,
	1	Land South of Pen y Dre,
	5	Land to North of Bryn-y-Mor Rd
	2	Land to rear of 188 St Teilo St., Pontarddulais
	2	Land to the West of Parc Y Bont, Pontarddulais

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	2	Land off Lon Masarn, Cefn Coed Hospital
	2	Former Council offices, Penllergaer. (Civic)
	2	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
YG Gwyr Comprehensive Cumulative Total	63	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Portmead	0 (excluding SDA D)	0
Bishop Gore	400 (excluding SDA D)	88
YGG Pontybrenin	% of above	
YG Gwyr	% of above	

7. Recommendation.

- 7.1. In accordance with the principles and requirements set out in the Deposit LDP consultation document;
- 7.2. The Local Authority will be requesting full contributions for primary and secondary education. The primary contributions to be provided by means of a 2.5 Form Entry (FE) (with potential to expand to 3FE if required) primary school building on site as indicated in the DAS. 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 and linked to Statutory Consultation processes. The secondary contributions are to be received as 'cash' contributions at agreed milestones.
- 7.3. The Local Authority recommends the first 1.5 form entry is delivered and handed over to the local authority during the construction of Phase 1 of the development, by occupation of unit 400 and further 1 form entry delivered and handed over to the local authority during construction of Phase 2 of the development, by occupation of unit 800. Viability testing has indicated the developer could deliver a 1 form entry at between units 40 and 160, therefore providing the first 1.5 form entry by occupation of unit 400 should be acceptable and viable. Phasing of the secondary contributions needs to be discussed further to facilitate the additional secondary places that this development will be contributing to.
- 7.4. Further clarity on design and phasing are required and the Local Authority are keen to work with the developer to resolve and agree the requirements for the education establishment. Questions for discussion/ clarity has been sent separately.

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- 7.5. If access for the school build is an issue due to the phasing of the development and link roads, the Local Authority would welcome discussions as to whether existing education sites can provide any temporary arrangements to support the school development.
- 7.6. As this is an outline planning application, the Local Authority appreciate that much of the detail is still to be agreed, but the principles of the education requirements are important to determine at this stage. As such further questions have been sent separately to this response.
- 7.7. As detailed above the Local Authority do however reserve the right to amend this if local circumstances so determine.

Ecology:

Documents Reviewed

- Masterplan, CWA
- Masterplan Rev A, CWA (14/06/2018)
- Ecological Appraisal Report, EDP (January 2017) – Sections relating to bats

Revised Access

The Masterplan has been revised to move the southern site access. Under this revision, instead of creating a new access on Mynydd Newydd Road, an access from Penplas Road will be created. A comparison between the two does not indicate a significant difference either in the overall quantity of retained/planted vegetation, or in its connectivity function, assuming that both Masterplans are indicative. Therefore, there are no concerns in principle with the revision. It has, however, been highlighted by NRW in their letter dated 30 August 2018, that the trees in the revised access location have not been assessed for their potential as bat roosts. This will need to be undertaken prior to determination.

Cefngyfelach Farm Demolition

NRW also highlighted the need for a bat survey at Cefngyfelach Farm, which was not included in the 2015 survey. At the time, access was not possible into all of the buildings, and there was a high level of disturbance, so building 5 was assessed to be of negligible potential. However, as the building has since been left unoccupied, and general disturbance in the vicinity has ceased, NRW has requested that the building be reassessed. This must be undertaken prior to determination.

Attenuation Ponds

As the intention is to deal with all surface water on-site, the northwest attenuation ponds will need to be fairly substantial. If the ponds are designed sensitively with gentle gradients, combined with appropriate planting/seeding, this area would represent a biodiversity gain for the site, and act as a wildlife corridor. Native wildflower meadows should be created in the immediate vicinity, with additional native tree, shrub and bulb planting. This should be designed by an ecologist. The ponds will also be important in preventing unwanted runoff impacting on the neighbouring Penplas Grasslands SSSI.

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Existing Ponds and Watercourses

There is a commitment in the Ecological Appraisal to retain all existing aquatic features surrounded by an 8m planted buffer. The ponds should also be connected to hedgerows to provide wildlife with safe access to the wider landscape.

Receptor Site

The three fields in the southwest corner of the site (part of Portmead Common SINC) have been identified as a suitable receptor site for Devil's bit scabious (*Succisa pratensis*) plants translocated from the fields in Mynydd Bach SINC, agreed previously with NRW. The receptor site will then benefit from a site-specific Management Plan to be informed by regular monitoring. The main aim of the MP will be to enhance the site for marsh fritillary butterflies (*Euphydryas aurinia*), a priority species whose caterpillars feed exclusively on *Succisa pratensis*. This is likely to include conservation grazing by cattle. Preventing any unwanted impacts from the public (such as scrambler bikes) may be necessary in the long-term. Strategic planting of thorny plants is an eco-friendly option.

Trees and Hedgerows

It will not be possible to retain all trees and hedgerows. Consideration should be given on a landscape scale as to which sections are to be lost. The factors to consider are habitat value (e.g. for bats/birds/hedgehogs), species-richness, impacts on wildlife corridor function, and amenity/visual impact. Retained areas should be enhanced with additional planting to mitigate for any losses, taking into account all of the above factors. In addition, a commitment to use native species hedging between plots, as opposed to close-board fencing, would be of considerable ecological benefit to the site.

Construction Exclusion Zones

Construction exclusion zones will need to be installed prior to work commencing on each phase. These will protect all significant features during the construction phase, such as trees, hedgerows and watercourses. Detailed fencing schemes will need to be submitted and approved prior to each phase commencing. These will need to be secured via condition.

Vegetation Removal

Each phase vegetation removal should be supervised by a suitably qualified Ecological Clerk of Works, who will subsequently submit a brief summary to discharge the condition.

NRW Conditions

NRW has requested a number of conditions in their consultation responses. Some general amendments are suggested to the conditions, which will need to be agreed prior to determination.

1. Green Infrastructure Plan. An overall plan is required of the entire site. In addition to securing existing features, it is suggested that the plan should also include details on enhancement planting to maximise the ecological potential of all public green spaces within the site. As the development will be divided into phases, individual highly detailed plans should be submitted for approval prior to works commencing, when details of phasing and drainage have been decided. The SDA D Ecosystem Services Assessment produced by Environment Systems should be used to inform the plan.

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2. Lighting Plan. Due to the phased nature of the development, individual plans for each phase are more appropriate than a single plan. In addition, it may be more appropriate to submit separate plans for temporary construction lighting and for permanent street lighting.
3. Marsh Fritillary Mitigation Strategy. It may be more appropriate to incorporate the strategy into a comprehensive Management Plan for the receptor site, covering every stage from ground preparation and establishment to long-term, as described above. This Management Plan could then be used as a stand-alone document in the future, as long-term responsibility for the receptor site is undetermined.”

Further Comments

“Buildings

The buildings proposed for demolition have been assessed as being of negligible potential for roosting bats. Therefore, only the usual consideration for bats is required.

Trees

One tree of low potential will be felled. It will be necessary to fell using a ‘soft fell’ method, as detailed in section 6.5 of the Update Note.”

Arboricultural Officer:

“No objection – None of the trees on site are protected by TPO or CA status. 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 arboricultural report addendum edp2708_r008a_020718 shows the tree constraints and tree removals overlaid on the Masterplan, the tree features do not exactly match on the two drawings, however, it is assumed that they refer to the same features although a few metres apart. Trees 2, 3, 7, 173 and 198 originally shown to be removed as they are in residential areas are now retained in the Masterplan, the final retention will be determined in the reserved matters, but at this stage their retention is welcomed.

Some good quality trees will need to be removed to facilitate the access to the site, these cannot be avoided and can be compensated for in a landscape scheme.

A tree protection condition is requested to ensure the retained trees are protected during construction.

There is an intention to protect trees with TPOs on all LDP sites.

Suggested condition:

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. 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:

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- (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) A full specification for the installation of boundary treatment works within RPAs;
- (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."

Landscape Officer:

"Thank you for consulting the Landscape department on the above application, we are happy with the methodology, approach and the findings of the LVIA study as included in Appendices 8.1; 8.2; 8.3 of the ES. We are also confident that the proposed landscape strategy has been closely informed by the LVIA and environmental appraisal.

Ref: 8:5:3 we agree that the site will soften over the time of completion of the construction phases and has the potential to become more bio-diverse as key hedgerows and woodland are improved.

Concerns:

- Green Infrastructure Links

The site forms an important green corridor linking Gower to Mawr. The landscape strategy outlines how connectivity will be maintained and enhanced throughout the development.

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To ensure that the existing planting is protected, improved and appropriate for the site we would advise that landscaping proposals are to be conditioned and approved prior to planning approval. We would also like to be consulted on the proposed mitigation of the SINC. Species are to be informed by the findings of a full Habitats Regulations Assessment.

- Provision Of Open Space

We would like to see a more detailed plan showing proposed, usable open space as currently the topography of the site is quite sloping. Open spaces within the site should be predominately accessible, not waterlogged, safe for use and able to accommodate a varied mix of places for play, exercise and relaxation.

- Water Attenuation

The site is extremely wet and will require a suitable SUDs schemes and much additional planting to mitigate the loss of open ground lost to mass housing and infrastructure of the site. Existing vegetation on site will be affected by changing ground water levels and existing rights of way, surrounding landscapes. The drainage strategy will need to demonstrate what measures, if any, will be necessary and how they will be implemented in order to rule out any impact on the designated sites.”

Public Rights of Way Officer:

“A new area of land has been incorporated to the West of the site, (perimeter denoted by a blue line on the attached PDF). There is a Public Right of Way here (LC30) which will need to be factored into any planning decisions. The Countryside Access Team would ask that all of the Public Rights of Way abutting or surrounding the site are brought up to a better standard with drainage works, clearance, and also installation of gates / kissing gates where appropriate. These public rights of way will be a valuable resource for members of the locality once the development is populated and will enable the linking of various communities and developments in the future. The public rights of way mentioned above include; LC30, LC92, LC93.

There are 3 more public footpaths that run through the main body of the site which are LC91, LC90 and LC89. These will all have to be incorporated into the street plan and either diverted to suit, or preferably extinguished by means of a legal order. If the public footpaths are extinguished, it would be advisable to continue to have access links onto Penplas Road for residents. We would ask that the public rights of way, if retained, link into the wider network properly, (they link into Penplas Road and have suitable cambers and surface). It should be noted that if the public rights of way are to be retained on the site, a temporary closure should be applied for (for each of them). Each temporary closure has a fiscal cost and has a lead in time of 6 weeks. The temporary closures last for 6 months at a time and have to be re-applied for (this again has a 6 week lead in time).

It has been noted that in the plans footpath LC89 has been provisionally linked to the church as suggested by the initial Green Infrastructure Assessment, which the Countryside Access Team is in favour of and pleased to see has made it in at this stage. It is also noted that active travel links have been retained to the North West towards Penllegaer woods, which is excellent. These links will be utilised on a daily basis by various people and user groups living in the locality, (walkers, cyclists and equestrians). It is imperative that they remain in the plans due to the fact that the Council is attempting to gain Active Travel linkages between the LDP Strategic Sites.

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I would like to highlight the fact that under section 137 of the Highways Act 1980 “if a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence...” Planning permission does not constitute lawful authority.

The Countryside Access Team has asked through our initial representations given on this site, and the Green Infrastructure Assessment that Penplas Road, marked with a C on the plan, is dedicated as a public bridleway, (green and black dashed line on the attached PDF). Having the road as a cycleway is good, however, a bridleway has a legal status whereas a cycleway currently doesn't. This bridleway could then legally be used by walkers, cyclists and horse riders, thus being far more inclusive. With the amount of farm land, and the nearby Penlleger Valley woods links, it would exponentially increase the availability and linkages to members of the public and people living in the locality. Penplas Road would then also appear on the Ordnance Survey map and would act as a vital link between a number of settlements currently in development. The Countryside Access Team in conjunction with the Strategic Planning Team has been working towards creating better active travel routes as part of a Green Infrastructure Assessment on LDP Strategic Site D. I believe that all of these, apart from the newly added area have been put forward previously.

If these points are taken on board the Active Travel links within the site will be a fantastic resource for the community, especially as this development enables the potential for the Active Travel network to grow quite dramatically.”

Parks:

“With regard to the above mentioned Planning Application, having looked at the site plans of the proposed development, obviously at this stage it is difficult to know the full extent of the proposals or what it does entail but I have made some comments which are outlined below.

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

- In principle we have no issues with adopting any POS or Play facility providing an appropriate Section 106 contribution is received.
- A commuted sum will be required from the developer for future maintenance of any PLAY facility, tree maintenance/management or POS carried out by The Parks Service.
- Provision of a copy of an up to date Tree Survey of existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance.
- The future responsibility of the existing trees on the development which have been identified as being retained.
- Areas of POS to be in an acceptable and maintainable condition prior to adoption for future maintenance and to be accepted only upon whole completion of the development and not in phasing (the adoption process can be discussed at a later date if required).
- Public Open Space - the Parks Service would require further detail of the actual landscape layout and if applicable an appropriate planting schedule which will list the proposed species of trees and shrubs to be planted prior to final planning approval to determine any maintenance and/or safety implications.

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- Outdoor Play NEAP/LEAP – the addition of play provision in this area would be acceptable to the Parks Service due to the current lack of such facilities within this catchment area, whether there will be the demand for five LEAP's is debatable, we would recommend/prefer a mixture of less LEAP's and one NEAP or a MUGA. We would however require further details of the design and layout of the proposed play areas prior and details of the supplying manufacturer prior to approval.
- Sports pitches - it is proposed that 2 formal football pitches and changing facilities are constructed and managed by local sports clubs/community council. The last meeting I attended regarding this development it was mentioned that this was no longer the case regarding the management of the facility and Parks would be responsible for maintenance and management. This needs to be confirmed prior to a decision from parks on whether we will be in a position to adopt the facility as we are in the process of rationalising our existing facilities of this nature; we feel there are sufficient sports facilities in close proximity to this proposed development, namely Mynydd Newydd Playing Fields, additionally I believe there is also the proposal to include sports/football pitches within the new school."

Commons Registration:

"The area relevant to the application noted above forms part of common land register unit CL 11(s)."

Invasive Species:

"Knotweed

Various locations

Planning condition CL12 must be placed upon this application.

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant."

Beyond Bricks and Mortar:

"In response to the planning application above, I would like the wording that follows to be included as a planning obligation. Swansea Council's Community Benefits Policy requires us to obtain community benefits from developments in the County as part of our impact on deprivation and alleviation of poverty:

The level of growth proposed over the plan period, together with the delivery of the infrastructure to support it, has the potential to support hundreds of new jobs, training and work experience thus facilitating a wider distribution of economic benefit and supporting sustainable communities.

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

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

In order to maximise these opportunities the following is requested:

Targeted Recruitment and Training (TR&T)

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

Natural Resources Wales (NRW):

"We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

We note the submission of a number of new and revised documents including, but not limited to;

- Email entitled; 'Llangyfelach Rd Ref. 2017/1822/OUT – Response', dated 24 July 2018, from Zoe John (Geraint John Planning Ltd),
- Cover Letter entitled; 'Land West of Llangyfelach Road (LPA REF. 2017/1822/OUT)', dated 4 July 2018, from Geraint John Planning Ltd.
- Parameter Plan 02 - Open Spaces (Drawing No. SP440-PP02), dated July 2018, by C.W. Architects Ltd,
- Parameter Plan 05 – Key Ecological Corridors (Drawing No. SP440 -PP05), dated July 2018, by C.W. Architects Ltd,
- Drawing entitled; 'Land West of Llangyfelach: Masterplan (Revision A)', dated 14th June 2018, by C.W. Architects Ltd
- Arboricultural Addendum Statement (edp2708_r0008a_02718), by Environmental Dimension Partnership (EDP) Ltd.

We are also aware that chapters within the Environmental Statement (ES) have been updated, along with the main Design and Access Statement.

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Ecology and Protected Species

We note that the route of the access roads has been altered, however from the information provided, it is not clear which trees will be removed / impacted and how the trees identified in the Arboricultural Addendum Statement relate to the trees identified with bat roosting potential in the 2015 survey, as the numbering system used in the two reports is not comparable.

Furthermore, the original tree survey (dated April 2015) is now over three years old, so additional trees could have deteriorated in that time and may now have potential to support roosting bats. Having reviewed the Arboricultural Addendum Statement, we have found at least 8 trees, which had descriptions that would indicate they could have potential to support roosting bats (i.e. open cavities, deadwood, etc). We advise that an updated survey of trees at the site is carried out, along with the addition of suitable green buffers around the trees which have potential.

It was also our understanding that as part of the application, Cefngyfelach Farm (also known as the Distribution Centre) is to be demolished. These buildings were originally surveyed in July 2015, and dismissed as being of negligible potential for bats, due to being in use at the time of the survey, having high levels of lighting and limited access. It is unclear from the information submitted as to whether these factors remain the same, or if the buildings have deteriorated since this survey.

Therefore, as the original 2015 survey did not have internal access to the main building (which would be the most likely to have bat use), then we advise that an updated assessment / survey of these structures will be required.

We note that the Afon Llan tributary (which runs along the south-west boundary of the site), will be retained and protected by an extensive green buffer, which includes an ecological mitigation area along the western extent of the watercourse. We also note additional measures are recommended in order to: 'ensure the full protection of aquatic features, including the provision of habitat buffers measuring no less than 8-metres in width', we welcome this commitment and advise that this should be reflected in the Masterplan and Ecological / Green Corridors Parameter Plan.

We also advise that the retention of green space / buffer around the buildings is confirmed, along with an appropriate level of detail in terms of width, composition and management / maintenance of these green buffers, particularly in relation to potential use by; bats, otters and other species. Again, this commitment should be reflected in the masterplan and Ecological / Green Corridors Parameter Plan.

In addition, we note that the revised masterplan states that a pedestrian and cycle way will be in place along the North Western boundary, which is one of the areas that borders the SSSI and ancient woodland and is identified as a key ecological corridor on their plan. In which case, it would not be advisable to light this corridor, as is often required for walkways.

Where ecological corridors are identified and are being retained to maintain forging routes for bats and other species, they should remain unlit. Where ecological corridors are going to have additional functions, the applicant will need to ensure that the lighting requirements are compatible.

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While we appreciate that this is an outline application, we consider that a level of detail for certain aspects of the proposal have yet to be provided. Therefore, we recommend that the following requirements and conditions are added to any planning permission that your Authority may be minded to grant:

Requirement: Due to the changes in the proposed location of the access route additional trees will now need to be removed. As the original assessment was carried out over three years ago, any trees that need to be removed or have works carried out on them must be assessed for their bat potential, in addition to any trees identified as having moderate or high roost features. These new assessments should include climbing surveys.

Requirement: As Cefngyfelach Farm (Distribution Centre) is scheduled to be demolished, the building will need to be re-assessed / surveyed for bat use.

Condition: No development approved by this permission shall be commenced until a detailed Green Infrastructure Plan, securing all wildlife corridors, ecological buffers and connectivity across the site, has been submitted to and approved in writing by the Local Planning Authority.

Please note that this condition is not only applicable to bats, but also the protection of watercourses and the wildlife that use them for commuting and foraging, and in protection of the adjacent Site of Special Scientific Interest (SSSI).

Condition: No development approved by this permission shall be commenced until a detailed Lighting Plan, ensuring dark corridors of habitat are retained across the site, has been submitted to and approved by the Local Planning Authority. The plan should also include full details of the lighting to be employed on site during the construction phase.

Condition: No development approved by this permission shall be commenced until a mitigation strategy for Marsh Fritillary butterfly has been submitted to and approved by the Local Planning Authority.

Please see our previous response, dated 23 October 2017, for our comments and conditions in relation to: Land Contamination, Foul and Surface Water Disposal, Flood Risk, Pollution Prevention and Waste Management and the Carmarthen Bay and Estuaries Memorandum of Understanding (MOU). A copy of which has been included with this letter.”

We have reviewed the application and have significant concerns relating to ecology, land contamination and water quality. We recommend that you should only grant planning permission subject to the inclusion of the conditions outlined below. We will not object to the application provided you attach these conditions to any planning permission granted.

NRW Comments (dated 23rd October 2017 referred to above):
“Land Contamination

We welcome the submission of the following documents:

- Llanmoor Homes Limited. Land to the West of Llangyfelach Road, Swansea. Desk Study Report. Referenced 11554/CF/15/DS. Prepared by Integral Geotechnique.
- Letter from Integral Geotechnique. Referenced 11554/MJE. Dated 2 May 2017.

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We note the comments made within Integral Geotechnique's letter however, we advise that planning permission should only be granted subject to the following conditions being included within any permission granted.

Condition: 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:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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: Controlled waters at this site are of high environmental sensitivity and contamination is known/ strongly suspected at the site due to its previous use as a landfill and potential unpermitted waste deposits.

Condition: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include 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.

Reasons: 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.

Condition: 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. Page 115

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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.

Reasons: 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.

Condition: 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.

Reasons: 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.

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

When dealing with land affected by contamination we recommend that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination.
- Refer to Environment Agency document 'Guiding Principles for Land Contamination' for the type of information that we require to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to Groundwater protection: Principles and practice (GP3) which is still applicable in Wales.

In addition to the above should there be a requirement for any grouting, ground stabilisation or excavation of former mine workings the following point should be included as an appropriately worded condition within any consent granted.

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Condition: Grouting and ground stabilisation works or the excavation of former mine workings shall not be permitted until a detailed plan has been submitted to and agreed in writing by the Local Planning Authority.

The following summary should be used as a guide in assessing the type of information that would be required as part of any proposed grouting and ground stabilisation works and the excavation of former mine-workings. It should be noted that additional information, not included in this summary may be required during such works.

I. Vulnerability Survey

- Identify all surface and groundwater features and users in the vicinity of the site including old or existing mine adits and mine-workings, drains and culverted features. In addition, all relevant historic documents held by the appropriate Local Planning Authority should be used to identify any natural or man-made structures beneath, or in the vicinity of the site.
- A walk-over survey should be undertaken to validate the vulnerability survey and identify any features not included in the formal records, i.e. disused adits or mine-workings.
- Licensed surface water abstractions downstream of a site need to be identified, to notify abstractors, in case of grout break-out. For a main river, this would typically be a few kilometres. This information can be obtained from Natural Resources Wales.

II. Procedure

- Location of the area to be grouted.
- Check area against vulnerability survey and historic land-use records.
- Nature of any structures to be grouted, cavities in the sub-strata, mineworkings etc.
- Confirmation if grouting is to take place above or below the water table.
- Method of grout injection, i.e. as part of an inner/outer "curtain" or individual injection boreholes.
- Type of grout to be used, i.e. ratio of cement, water, other material (PFA). This should take into consideration whether grouting is to take place above or below water table.
- Thixotropy of the grout, i.e. how far will the grout extend into the cavity when injected. Again, this should take into consideration whether the works are above or below water table.
- Duration of grouting works.
- How much grout is to be injected into both individual points and as a total quantity.

III. Monitoring

- Identification of sites grouting material could emerge, i.e. adits/drains into water courses etc.
- Proposals for monitoring such features during the work, i.e. which ones, frequency of monitoring.
- Confirm details of monitoring with Natural Resources Wales prior to the commencement of workings.

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- Agree suitable mitigation measures with Natural Resources Wales should any impact on any feature occur during to the workings.

IV. Management

Keep daily records of the following:

- Review previous days grouting operations (location, amount etc.).
- Location of areas to be grouted.
- Boreholes used for grouting
- Times of injection into each borehole.
- Quantities of grout to be injected into each borehole (both projected and actual).
- Record if quantity of grout "lost" in a borehole.
- Pressure used in grouting at a borehole.
- Type of grout used.
- Review of monitoring.
- Details of any break-outs of any grout.
- Details of any clean-up of grout at monitoring sites.
- Reporting of information to be agreed with NRW prior to the commencement of workings.
- In cases of an unpredicted loss of grout, emergency procedures should be agreed with Natural Resources Wales to include an increase in the frequency of monitoring of any identified surface water features.
- Notification of Natural Resources Wales should either any outbreak or an unpredicted loss of grout occur.
- Notification of identified downstream surface water abstractors in the event of an emergency, i.e. if there was any outbreak of grout into a watercourse.

With regards to grouting and waste, we refer the applicant to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297998/RPS_108_Grouting_media.pdf

Carmarthen Bay and Estuaries European Marine Sites Memorandum of Understanding.

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 to the Burry Inlet. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

As your Authority will be aware, to accord with the terms and content of the MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment. The relevant details must then be recorded on your Authority's register of compensatory surface water disposal.

We welcome the submission of the report entitled 'Proposed Drainage Strategy for Development of Planning proposals for Land West of Llangyfelach Road, Pendery, and Swansea'. Whilst we note that a specific improvement scheme has not been identified, the developer has committed funds for off-site surface water removal, in discussion with Dwr Cymru Welsh Water. We advise liaising with Dwr Cymru Welsh Water further on this matter.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed development will not cause any detriment to water quality.

Foul and Surface Water Disposal

We welcome the submitted drainage strategy and note that foul drainage generated from the development will be directed to the main public sewer. This is our preferred and most sustainable method of foul drainage and we offer no objection to the proposals. However, confirmation on connection should be sought from Dwr Cymru Welsh Water and, as above, the development should accord to the Carmarthen Bay and Estuaries European Marine Sites MOU.

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 note from the drainage strategy that surface water flows will be disposed of via sustainable urban drainage systems (SUDS) and where SUDS are not feasible an attenuated discharge to a watercourse to the north of the development site. Whilst we offer no objection to the proposed methods of disposal ultimately the acceptability of the surface water drainage system is a matter for the Local Authority's Drainage Engineers. We only advise that the surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

To ensure that a satisfactory form of surface water drainage is incorporated we advise that the following condition is included within any permission granted.

Condition: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water

Flood Risk

We welcome the submission of the report entitled 'Llanmoor Development Co Limited. Land to the West of Llangyfelach Road. Flood Consequence Assessment and Drainage Strategy', prepared by Vectos and dated January 2017.

The FCA notes that the site is located within Zone A, as defined by the development advice map, referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Whilst we offer no adverse comments in respect of flood risks we advise contacting your Authority's Drainage Engineers as the Lead Local Flood Authority to ensure that they have no knowledge of localised flooding within or near the site.

Pollution Prevention and Waste Management

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For a development of this scale we strongly advise that the construction phases are supported by an appropriate Construction Environment Management Plan (CEMP), which details the necessary pollution prevention measures to ensure the integrity of controlled waters within the vicinity of the development. To be most effective the CEMP must be specific to the site in question and, where appropriate, to the specific phase of development.

For this development, detailed consideration would need to be given to surface water management for the construction phase to ensure that silt laden run-off is not discharged into any watercourse on or within the vicinity of the site. Silt protection must therefore be planned and put in place before any of the land is stripped. Consideration should also be given to the type of the soils/clay on site and subsequently determination of the best management system for the site such as settlement/attenuation ponds, including treatment materials, areas and equipment.

The plan would need to identify discharge points for any surface water generated on site and cater for dust suppression run-off in dry weather. Storage facilities for all fuels, oils and chemicals should also be carefully planned.

The plan should also identify any buried services, such as sewers, to ensure their protection.

Whilst the CEMP should be site specific and provide detailed consideration of potential pollution incidents and remedies we do acknowledge that these are often 'live' documents and recommend that they should be regularly and efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and updated should any deficiencies be identified.

We therefore advise that the following condition is included within any permission granted.

Condition: No development approved by this permission shall be commenced until a Method Statement 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.

Reasons: To protect water quality and prevent any potential deterioration in Water Framework Directive Classification.

In addition to the above waste produced during the construction phase of the development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of the producer's waste duty of care they must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls.

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The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer: <http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en> <http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here: <https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

For a development of this scale it would be prudent to produce a waste management plan for the site. Your Authority may wish to secure this as an appropriately worded planning condition.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/guidance-andadvice/business-sectors/planning-and-development/our-role-in-planning-anddevelopment/our-role-in-planning-and-development/?lang=en>) 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.”

Further Comments

Any additional comments will be reported at Planning Committee.

CADW:

“Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no objections to the impact of the proposed development. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

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PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The proposed development will have no impact on any scheduled monuments, registered historic parks and gardens or registered historic landscape for which we are a statutory consultee.

It is noted that a desk-based archaeological assessment submitted in support of the application has identified the potential for undesignated archaeological features being present in the application area. Your Authority should therefore consider the advice given by your archaeological advisors and that given in section 6.5.6 of Planning Policy Wales and chapter 4 of TAN 24 when determining the need for further information to be presented on the impact of the proposed development on the archaeological resource.”

Welsh Government Transport:

“I can now confirm that I have reviewed the supporting documentation and I note that the impact on Junction 46 would be minimal, such that there would be no proposed improvements to the motorway roundabout. Should any of the planned proposals change within the development site, a new Transport Statement/ Assessment will be required. However, for the proposal as it is currently described, I would advise that the Welsh Government (Transport) as highway authority for the motorway and trunk roads in Wales would raise no objections to this outline application.”

Welsh Government Land, Nature & Forestry Division:

“The Department was consulted during the LDP process on this site. With regard to agricultural land classification it has nothing further to add. The Department has no comment to make with regard to the application BMV policy (PPW4.10.1).

This response is made independently of the Welsh Government.”

Dwr Cymru Welsh Water:

“SEWERAGE

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Dwr Cymru Welsh Water (DCWW) were previously consulted on this application (Ref: 2017/1822/OUT) and follows our comments to statutory pre-application consultation, referred to in Appendix D of the accompanying PAC Report (Ref: PPA0002012), as well as representations to the Swansea Local Development Plan (LDP) preparation on this strategic development site (Ref: SD D).

In respect of our most recent response (Ref: PLA0029980) to this application, dated 19th February 2018, it was confirmed that Phases 1 & 2B could communicate to the public sewer whereas the remainder of development would require the undertaking of a Hydraulic Modelling Assessment (HMA) of the public sewerage system as well as the water supply network. The development site is crossed by a distribution watermain, the approximate position being shown on the attached plan and, as statutory undertaker, DCWW requires access to its apparatus at all times in order to carry out maintenance and repairs. Our previous response therefore advised that it may be possible for the watermain to be diverted, under Section 185 of the Water Industry Act 1991, and recommended the developer consult us prior to commencement of development. In addition, it was advised that the development site lies in an area with potential to discharge into national and international designated waters and, in accordance with the requirements of the Memorandum of Understanding (MoU), and a surface water removal scheme would be required to compensate for foul flows from the proposed development site.

As part of this re-consultation on amended plans, it would appear no further information has been submitted as far as a compensatory surface water removal scheme and contrary to the submitted Drainage Strategy (January 2017), prepared by Vectos, we would advise that the HMA has not been completed.

We also advise that the purpose of the HMA is to establish suitable points of connections, as well as any off-site reinforcement works along the public sewerage system, and not a “donor site” (Para 5.2) for the purposes of the MoU requirements. Therefore, having regard to our previous response (Ref: PLA0029980), we would request the following Conditions and Advisory Notes are included, if minded to grant Planning Consent for the above development, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Conditions

No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a scheme for the disposal of foul water for that reserved matter site/ or other identified part has been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall, together with other schemes approved in discharge of this condition, demonstrate that:

- a) No more than 150 units permitted under this outline permission shall communicate with the public sewer at or downstream of manhole SS64988101 and no dwelling hereby approved shall be occupied until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site is provided as part of the submitted scheme.
- b) No more than 198 units permitted under this outline permission shall communicate with the public sewer at or downstream of manhole SS64977202.

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c) A point of connection on the public sewerage system is 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 options following the implementation of any necessary improvements to the sewerage network as may be identified by the hydraulic modelling assessment. The scheme shall be implemented in accordance with the approved details prior to the communication of any flows with the public sewer network and shall be retained for the lifetime of the development.

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

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

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

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

Advisory Notes

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

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

Glamorgan Gwent Archaeological Trust:

"A geophysical survey has been conducted of the site (West Yorkshire Archaeological Services, dated February 2018) which identified a number of anomalies of likely archaeological origin, including curvilinear features, potential ring ditches, and linear features.

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As a result we recommended an archaeological field evaluation be conducted, prior to determination. The evaluation was carried out in October 2018 by GGAT Archaeological Services (Report no. 2018/063), which identified the majority of anomalies were geological in origin. The exceptions related to Modern or Post-medieval agricultural features and a small patch of burning. No artefacts were recovered.

The results suggest that it is unlikely that significant archaeological remains will be encountered during the course of the development.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.”

Coal Authority:

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

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that 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 7 mine entries and their resultant zones of influence on the site. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth.

The planning application is supported by a Desk Study Report, dated December 2016 and prepared by Integral Geotechnique (Wales) Limited. This report has been informed by an appropriate range of sources of information including; historic maps, geological maps and a Coal Mining Report.

The report identifies that the site has been subject to past coal mining activity and that the risks posed to the proposed development by the shallow coal mine workings and mine entries will need to be investigated. The nature and extent of these intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The exact location of the mine entries on the site should be established and their location, along with their zones of influence, used to inform the development layout. This should ensure that adequate separation is provided between these features 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>

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The findings of the intrusive site investigations carried out on site for both the shallow coal mine workings and the mine entries should inform any remedial works and/or mitigation measures which may be required.

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.

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.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.”

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.

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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.”

Sport Wales:

“Comments are submitted with a view to supporting the vision for sport which is an active nation where everyone can have a lifelong enjoyment of sport.

Sport Wales is pleased to see there is good provision of recreational open spaces and a network of pedestrian and cycle routes, providing good connectivity within the development and beyond, both helping to encourage active lifestyles.

With regard to playing fields specifically, Sport Wales would ideally like to see a playing pitch strategy helping to ensure adequate provision while also, if necessary, helping to address any shortfalls in the locality. In the absence of such a strategy, the Fields in Trust Cymru standards are accepted and in that regard it is pleasing to see sports provision exceed the benchmark.”

Police Designing Out Crime Officer:

The Police D.O.C.O has provided general comments with regards to the residential development, school and commercial centre. General comments include parking provision being provided within curtilage, rear courtyards should be avoided and parking standards must be complied with. Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. They should not undermine the defensible space of neighbourhoods. Routes for pedestrians, cyclists and vehicles should not be segregated from one another or provide access to rear gardens as such paths have been proven to generate crime and anti-social behaviour. Paths ideally should be 3 metres wide with at least a 2 metre verge on either side. Green spaces / play areas must be located where they are afforded good natural surveillance from residents to provide protection for the young children using the areas. Also this would reduce the risk for the areas being targeted for anti-social behaviour when not in use. Ideally the areas would be lit and protected by railings/fencing to prevent vehicular entry and they should be locked out of hours.

Additional comments were provided in respect of lighting, boundary identification, landscaping and planting, side and rear parking, vehicle parking, garden sheds, bicycle stores, bin stores, security lighting, drainpipes, public utilities, blank walls, door security, window security, perimeter security, intruder alarm system, blank walls, CCTV, signage, access control, building shell security, computers, identification of properties and garages.

Mid and West Wales Fire Service:

“The site plan of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with early on in any proposed development.

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The developer should consider the need to provide adequate water supplies for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B.”

Site Location

The application site covers an area of approximately 115 hectares of land situated adjacent to Llangyfelach Road (which is to the east) and Mynydd Newydd Road to the south and falls within 3 wards: Llangyfelach, Mynydd Bach and Penderry. The land to the east, south and south west contains the existing urban settlement. To the north and east of the application site lies the urban area of Llangyfelach and to the south lies the area of Tirdeunaw with Portmead located to the south west. The land to the west of the site is largely countryside and has a SSSI (Penplan Grasslands) within approximately 10m of the site boundary. The former Daniel James Comprehensive School and YGG Tirdeunaw are located to the east of the site (along with Play Football) with the Welcome Inn, Mynyddbach Chapel and cemetery and 3 sporadic dwellings located to north of the school. The M4 motorway lies approximately 750m to the north of the site and is audibly perceived on site.

Penplas Road runs along the northern boundary of the site, before becoming internalised just south of Cefn Cadle farm and running diagonally through the site to connect with Heol Ddu to the south. Several registered Rights of Way enter the site from Penplas Road but peter out in the middle of the site and don't lead anywhere. These footpaths do not appear to be well utilised at present.

The site comprises primarily agricultural land set aside for grazing, and areas of unmaintained grassland with occasional grassland and hedgerows. Broadly, the site lies on the crown of a small hill (peak height 161m above Ordnance Datum (AOD), lying towards the southern edge of the site. The western and northern side slopes to this hill form the valley sides to the Afon Llan valley, with the Afon Llan River located some 1100m or so to the west. Between the fields of pasture, definition and enclosure is provided through a variety of means including hedges (with and without hedgerow trees), fences and 'cloddiau' (plural of 'Clawdd' – stone built walls with an earth and rubble core often topped with a hedge. These are an attractive characteristic of parts of the site and offer opportunities for incorporation (through retention and new constructions) within any future design proposals.

Woodland cover on the site is limited to a few small clusters running through the centre of the site; individual tree cover is limited to those within hedgerows. No trees on site are protected by Tree Preservation Orders (at the current time). There are a few small scattered ponds within and close to the boundaries of the site but these are too small/sparse to have a significant effect on its overall character.

Areas of Common Land with open access rights lie to the south (Mynydd Cadle Common) and east (Mynydd Bach Common).

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The site contains one Site of Importance for Nature Conservation (in the eastern side in close proximity to the school playing fields) and another is partly located within the site (on the southern boundary to the west of Penplas Lane). The site is bordered by one watercourse (a stream) which traverses along the south western boundary of the site, largely within a steep ditch.

The site currently contains 3 farmsteads, known as Penplas Farm, Cefn Cadle Farm and Cefngyfelach Farm (which is used as a distribution depot). Whilst none of the farmsteads are of particularly high quality, a number of farm buildings have some historical character are proposed to be retained. Overall, while this is clearly a 'greenfield' site, it sits at the urban edge and between existing settlement areas.

Description of Development

Outline planning permission has been submitted for a comprehensive, residential led, mixed use development of up to 1,950 dwellings (of which, 1,160 would be provided during the plan period) including affordable housing provision along with a new 2.5 form entry primary school and a district centre comprising of an A3 pub use and retail and commercial spaces (totalling 16,000sq foot).

The proposal also includes the creation of a spine road linking Mynydd Newydd Road and Llangyfelach Road, community facilities, Public Open Space including facilities for children, and areas of landscaping (including sustainable drainage systems), outdoor sports provision including playing pitches, re-grading works where necessary, associated services, infrastructure and engineering works including new vehicular access, improvements to the existing highway network, new roads, footpaths / cycleways, and ancillary works.

The application is supported by a masterplan for the site and a series of Parameters Plans (covering Land Use, Open Spaces, Building Heights, Key Corners, Key Ecological Corridors, Vehicle Routes, Active Travel Routes, Outward Facing Edges and an Indicative Phasing Plan).

The application has been submitted in outline with all matters reserved except for the two strategic access points which are to be considered as part of this proposal. The remainder of the development would be guided by the parameters plans. The northern access would be located off Swansea Road (B4489), approximately 100m north of Heol Pentre Felin. It is proposed that this access would comprise a signalised junction and given the topography, would wind around and up the hill into the site. The southern access to the site has been amended during the course of the application. The proposed access would utilise Penplas Road with a signalised junction utilised.

These access would be joined by a winding spine street that has a definite character as a place as well as incorporate an important movement function. The district centre would comprise of a school to the west of the existing school site (YGG Tirdeunaw and former Daniel James) with a pedestrian link between the two. The other commercial uses would be set around a village square located adjacent to the spine road. Two football pitches and potentially changing rooms are indicated to the north west of the district centre on a level field that is enclosed by existing mature hedges. A linear park would be created along the north/ north western boundary of the site which would also be utilised for surface water attenuation. The south western spur is indicated as an ecological reserve and mitigation area.

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The residential element would have a number of different character areas within walkable neighbourhoods, with higher densities at the local centre and lower densities on the rural/sensitive areas. Penplas Lane would be retained as an active travel route along the edge of the site.

The application has been submitted with an Environmental Statement which covers Highways and Transportation and Landscape and Visual Impact.

The application has also been submitted along with a Statement of Community Involvement, Pre-Application Consultation Report, Flood Risk and Drainage Strategy, Ground Conditions Report (including Contamination Assessment and Coal Mining Risk Assessment), Agricultural Land Classification, Archaeology and Heritage Baseline Assessment, Ecological Appraisal Report, Arboricultural Assessment, Utility Strategy Report and Air Quality Assessment. A Housing Infrastructure Delivery Statement, Welsh Language Assessment and Sustainability Appraisal have also been incorporated within the Planning Statement.

It is anticipated that the development would be undertaken between 2019 and 2029. It is proposed that development would commence at both ends of the development. In terms of site infrastructure, it is proposed that the Spine Street would be delivered in association with the construction of housing phases that front on to this highway. Delivery of Affordable Housing would be delivered in numbers and types/ tenures commensurate with each housing phase. The Primary School would be delivered towards the end of Phase 2, as would the District Centre.

APPRAISAL

This is an outline planning application for a comprehensive, residential led, mixed use development of up to 1,950 dwellings including affordable housing provision along with a new 2.5 form entry primary school and a district centre comprising of an A3 pub use and retail and commercial spaces (totalling 16,000sq foot) with strategic access to be considered at this stage at land to the west of Llanyfelach Road, Swansea. The site is predominantly agricultural land, is located outside of the Urban Boundary within a Green Wedge and the southern portion (where the southern access is located) is common land.

Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the principle of the development, the acceptability of the masterplan and parameters plans to guide future development, impact on neighbouring amenity, highway safety, ecology, drainage and water quality issues, having regard to the prevailing provisions of policies EV1, EV2, EV3, EV5, EV20, EV21, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, EC6, EC13, HC3, HC15, HC17, HC23, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, the following Supplementary Planning Guidance Notes (SPG) – Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community, Safety, The Protection of Trees on Development Sites; the emerging LDP and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of the Development

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The application site is located within a green wedge, outside of the Urban Boundary as defined in the Adopted Unitary Development Plan. Local residents have stated that the proposal is contrary to policy EV23. Policies EV18 and EV20 are not considered applicable as this is not a rural exception site proposed for affordable housing to meet an identified need and the proposal is not for persons primarily employed in agriculture, forestry or an appropriate rural use. The key policies are therefore Policy EV23 (green wedge), EV1 (which requires good design, including relationship to existing development patterns), EV2 (which gives preference to the use of previously developed land over greenfield sites and requires regard to be had to its surroundings) and EC13 (loss of best and most versatile agricultural land along with guidance contained with Planning Policy Wales (10th Edition) and the accompanying Technical Advice Notes. Policy EV22 seeks to control development in the countryside in order to conserve and enhance its value. Policy EV21 seeks to control non-residential uses within the open countryside.

Both National and development plan policy aims to safeguard the openness of green wedge land, and Unitary Development Plan Policy EV23 states that development will only be permitted within a green wedge if it maintains the openness and character of the land and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. Policy EV23 goes on to state what appropriate development within the green wedge comprises but this development does not meet any of these criteria.

It is clear from the outset that the proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23, and within the PPW definition of inappropriate development. PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge. It also says that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

Concern has been raised about the loss of agricultural land that is required to produce food. Planning Policy Wales states that in the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. Policy EC 13 also seeks to retain the best and most versatile agricultural land.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

As background, as the Council was approaching the end date of the current adopted Unitary Development Plan (UDP), which expired on the 31st December 2016, the Council approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development. This document set out the Council's strategy for determining departure applications and provided 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.

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The Guidance Note highlighted 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, would 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 D refers).

The Council accepted the principle of bringing these strategic sites forward which has resulted in a significant amount of on-going dialogue between the applicant and the Council during both the pre-application and application stages. Since this time, as noted in the updated comments from the Strategic Planning Officer, the LDP is plainly at a very advanced stage. Whilst certainty regarding the plan will only be achieved once the Inspector publishes the binding report, PPW 2.6.2. does not suggest that weight can only be placed on the plan at this stage. In considering what weight to give to the specific policies in an emerging LDP as relating to a particular proposal, the decision maker must carefully consider the underlying evidence and background to the policies, including any objections made to these, and the exact stage the Plan has reached in advance of adoption.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit concluded on December 14th 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies

Whilst concerns have been raised that development should proceed on brownfield sites and the size of the site is excessive, the site has been allocated following an extensive site selection process over several years. There have been very few applications for strategic housing developments of this scale in Swansea in recent years primarily because the UDP sought to disaggregate development into a number of smaller housing sites linked to existing suburban areas (typically on the edges). These have proven to be poorly connected with limited access to public transport and community infrastructure such as schools. The new LDP approach of strategic housing developments is based on sustainable place-making to create new large scale neighbourhoods with new community facilities and public transport at the centre. The size of the site is therefore considered appropriate to fulfil these place-making aims and the undeveloped nature of the site can also improve the viability (as detailed remediation may be required for example).

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It should be noted that whilst the Emerging LDP will make best use of appropriate brownfield land opportunities, the analysis has shown that a significant element of future growth will need to be delivered on sites beyond the existing settlement limits.

As noted above, the Emerging LDP is at an advanced stage and given the degree of certainty regarding the plan, it is considered appropriate to attach considerable weight to the emerging LDP policy. Within this context, three things are of note. Firstly, the site is allocated as a Strategic Development Area within the emerging LDP. Secondly, this designation clearly indicates that the site is no longer classified as “green wedge” but neither is the surrounding area which further suggests that the UDP designation is out-dated based on current evidence. Thirdly, it is concluded that there is a climatic limitation to the site, such that land quality cannot be graded higher than Subgrade 3b. Additionally from published information the soil profiles are predicted to be limited to Subgrade 3b on wetness. These conclusions have been reviewed by the Welsh Government, who have agreed with the findings and the site does therefore not represent the best and most versatile agricultural land. Within this context, these are considered exceptional circumstances that would outweigh the harm to the existing green wedge UDP designation.

Whilst the Local member objects to the development and states that the application should not be considered until Inspectorate approval is given, the Council cannot refuse to process a valid application and the Emerging LDP is considered to be at an advanced stage to give it considerable weight as a material consideration that would result in the principle being considered acceptable subject to the detailed considerations against the Emerging LDP framework which are considered further below.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary and the availability of public transport nearby. Its main conflict is in respect of the matters in the first main issue above, although the site would no longer be allocated as a green wedge in the Emerging LDP.

The principle of this development on this site is therefore considered to be acceptable on balance despite being a departure to the Unitary Development Plan.

Visual Impact/ Layout

A Landscape & Visual Impact Assessment (LVIA) has been prepared by EDP. 12 viewpoints were utilised from around the site to evaluate the sensitivity, the magnitude of change and the level of effect that the proposed development would have. These are considered both in terms of the construction phase of the development and the visual effect at years 1 and 15. There are no nationally designated landscapes within or in close proximity to the site and similarly, there are no other designations or relevance to a consideration of landscape and visual effects. There are no listed buildings, scheduled monuments or Historic Parks and Gardens within or adjacent to the site (Penllergaer Historic Park and garden is located approximately 800 metres to the west at the nearest point). There are 4 PROW feeding into the site, from the north and west, but notably, not providing connections through the site nor providing any circular routes. A landscape feature of value, and with historic interest found on site is ‘cloddiau’, a type of hedge bank with stone sets laid vertically and in even course. Cloddiau in fairly good condition are found within the site though many are in disrepair and in need of enhancement / re-building.

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LANDMAP has been analysed and it is notable that in terms of cultural value, only the two areas at the eastern edge of the site are recorded as outstanding with the entirety of the remainder of the site being low. Geological and historic aspects are recorded as outstanding but neither are likely to be significantly affected by the proposals. The report also comments that this aspect area is subject to frequent human access, that night time light pollution is moderate and that there are neither in nor out attractive views and detractive views out (of the urban edge) and notes that the area is 'noisy' to the M4 corridor and 'settled'. Overall, the site is considered to be of low value in landscape term despite some positive features (such as cloddiau, grassland habitats, trees and long distance views).

Overall, whilst this is a Greenfield site, it sits at the urban edge and between existing settlement areas. It has a good visual relationship with some parts of the existing urban areas and these, along with the overhead power lines and noise from local road network somewhat urbanise the site. Development here offers an opportunity to 'round off' the settlement edge in this location and avoid significant encroachment into other 'open countryside' areas.

The character of this land would change from predominantly agricultural land/ open countryside to urban built form with some informal green space. The overall direct effects on the landscape character during construction and on completion are considered significant in EIA terms. The effects of the proposed development as a whole is considered to be moderate adverse with some beneficial effects in terms of landscape strategy and connectivity proposed in the scheme which would reduce over time as the proposed planting would soften the appearance as it matures.

There are four viewpoints which are likely to experience major significant effects during the construction phase and these same four would experience major adverse effects at year 1 of completion (two will decrease to major/moderate by year 15). These 4 viewpoints are from Swansea Road (in front of the Plough and Harrow) looking SW; from Swansea Road towards potential site access looking S; from Home Farm Way, Penllergaer, looking E; and from the rear of properties on John Penry Crescent looking N. Views from Penplas Road and Mynydd Cadle Common are major-moderate.

Some moderate – major effect in viewpoints are identified due to the sites topography, however there are few sensitive receptors affected by the proposal, with most being from within private locations. Potential effects are mitigated by virtue of a comprehensive landscape strategy which has both underpinned the design of the site and provided softening and enhancement of the proposed scheme by virtue of extensive planting proposals and open space provision.

There are a number of embedded mitigation measures incorporated within the proposal. The topography of the site was a key constraint and opportunity which has organically led the design. For example, the logical placement of the informal parkland is on the lowest contours to allow SuDS design to be an integral, and truly sustainable solution to drainage issues on site. Also, the placement of the ecological reserve is in close proximity to the SSSI and SINC. With regards to connectivity, the site presented a big opportunity to connect existing, and rarely used PROW which would enrich the user experience and biodiversity value of the site. Overall, the urban fringe of Greater Swansea would be filled in as a result of the proposed development and the edge of the development would be more defined than the current geographical spread of housing in existence. Due to the topography of the site, the effects of the proposal would be felt by a limited number of visual receptors.

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The Landscape Officer is satisfied with the methodology, approach and the findings of the LVIA study and is also confident that the proposed landscape strategy has been closely informed by the LVIA and environmental appraisal. The site will soften over the time of completion of the construction phases and has the potential to become more bio-diverse as key hedgerows and woodland are improved.

In conclusion, the proposed development would have significant adverse effects, even at 15 years of operation as the proposal is a large scale mixed use development in what is now open countryside. The landform of the site is highly undulating which reduces the visual effects significantly considering the scale of the development proposed and there are few highly sensitive receptors affected by the proposal. Most visual receptors are from within residential locations, none are from landscapes which are nationally designated for their natural or scenic beauty and there are a number of benefits proposed.

The Environmental Statement also considers the cumulative effects of the nearby strategic sites at Felindre and Pantlasau Farm. In terms of the latter, the village of Llangyfelach separates the sites and given the landform, it is unlikely that there would be intervisibility between the two. When viewed from the north, both sites are likely to be seen in a combined view with the urban area surrounding them. The site would not be seen in sequential views with either nearby strategic site when travelling along the M4 and would be less prominent when viewed from the north than the site at Felindre.

Key mitigation measures include the generous landscape buffer created along the northern and western margin of the site, creating a peripheral 'Ribbon Park' around the development and significant tree planting. Tree planting at the southern and eastern edge of this park will greatly assist in filtering views of the leading edge of development from the west and north, while views out from the park in these directions should be protected, thereby enhancing legibility of the site's location in the local landscape and its 'sense of place'; the best trees/ hedgerows should be retained and development proposals for the more elevated parts of the site should provide significant tree planting within streets and open spaces. Additionally, a network of new PRow should be created, offering a radial 'spiders web' of routes through the site connecting any new centre with new housing, new open space and the wider city and countryside. These have all been incorporated into the various parameter plans and strategic masterplan and a landscaping management scheme would be secured by condition. The proposals are therefore considered acceptable in terms of their landscape and visual impact.

Place-making Approach

The site is approximately 115ha of undeveloped land comprising undulating pastoral grassland, banked hedge boundaries, farm groups, a country lane and former coal mine site. The landform falls approximately 55m in a gentle manner from the south eastern high point down to the North West. The mosaic field pattern is shown in first edition Ordnance Survey map and the site includes designated areas of nature conservation importance.

Around the site, the Llangyfelach suburban community lies to the east with pub and historic church, and Penderry, with community facilities and schools lies to the west. To the south is Mynydd Bach common with a few properties backing onto the site along Mynydd Newydd Road and to the north is further undulating farmland.

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Further to the North West lies Parc Penllergaer which is a grade II Historic Park and Garden; the farmland that forms this application site was historically part of the Penllergaer Estate and is visible from the designated historic landscape.

The proposal is an outline planning application for a strategic residential development of up to 1950 homes including new primary school, community facilities, retail, open spaces, play provision, sustainable drainage and retained ecological areas. This is the second (and largest) of the strategic sites identified in the emerging LDP to be submitted for planning permission. As it is coming forward in advance of the adoption of the LDP (expected spring 2019), a mechanism has been approved by the Council to allow for determination and assessment against the current UDP.

The stated vision for this site in the LDP is for a 'sustainable, environmentally sound, cohesive, comprehensive community focussed urban extension'. The Design and Access Statement submitted in support of the application takes this further with a commitment to a 'true community' supported by community infrastructure comprising school and local centre to form a site heart.

The new LDP approach of strategic housing developments is based on sustainable placemaking to create new large scale neighbourhoods with new community facilities and public transport at the centre. This places strong emphasis on the legacy, sustainability, quality of life, health and well-being, not simply on the delivery of housing targets. The recent Member resolution for outline approval of the Garden Village SDA scheme for 750 homes and a similar mix of community infrastructure has formed the benchmark for assessing and structuring this assessment.

The evolution of the masterplan for this site and preparation of the supporting placemaking framework has been a partnership approach working positively 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.

In May 2016 prior to the formal planning application, the scheme was referred to the Design Review service of the expert and impartial Design Commission for Wales. Their comments are publically available and can be summarised as follows:

- Recognised the strategic scale of the proposals
- Applauded for iterative and considered design approach
- Compare scale with other existing places
- Increase the density at the local centre
- Ensure a strong justification for the location of the local centre
- Ensure design integrity along the spine street especially if built out by different developers
- Clarify access to bus stops and school
- Welcomed extent and integration of landscape, but ensure hedges are retained where possible
- Advocated the agreement of sub area masterplans before the reserved matters stage with current information forming a strategic overarching placemaking framework.

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It is considered that these aspects highlighted by the Design Commission for Wales have all be addressed positively in the final versions of the submitted planning application and placemaking framework.

The Outline Application 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 Emerging Local Development Plan now has weight as a material consideration and due to the time expired nature of the UDP. Therefore the proposals have also been assessed against the relevant placemaking policies of the LDP including:

- PS1: Sustainable Places
- PS2: Placemaking and Place Management
- SD1: Strategic Development Areas
- SD2: Masterplanning Principles
- SDG: site specific policy for land west of Llanyfelach, Penderry.

The Emerging Local Development Plan policy framework sets out general placemaking policies and a specific policy for this site and concept plan. This requires the provision of a new school, community facilities and retail at the heart of the new walkable neighbourhood. The application of these policies to residential developments is expanded upon by the adopted Residential Design Guide which focusses on new developments of 10 or more homes and is underpinned by the proactive placemaking planning approach.

The LDP allocation for this site envisages up to 1950 homes. The outline planning application form indicated that all matters are to be reserved and 1160 homes will be constructed during the LDP period up to 2025. This is supported by technical studies such as the Transport Assessment in the Environmental Statement that has been based on no more than 1950 homes.

The Placemaking Framework is set out in the Design and Access Statement (DAS) for this site. The first section of the DAS sets out the analysis, concepts and justification, plus an indicative masterplan. The second part of the DAS contains a series of strategic parameter plans and supporting principles to form the robust placemaking framework that underpin the indicative masterplan. Given the scale of the site and high level (strategic) of detail in the DAS, it is essential to include a time for design condition which requires further placemaking dialogue to agree Sub Area Masterplans prior to the relevant Reserved Matters submissions as advocated by the Design Commission for Wales. A condition is needed to require that the Sub Area Masterplans are in substantial accordance with the Outline application DAS (plus to clarify the content of the Sub Area Masterplans) and in turn the future Reserved Matters Applications are in substantial accordance with the Sub Area Masterplans. This will allow the detail to be addressed at the appropriate stage thereby setting an appropriate balance of certainty and flexibility to create a new healthy and sustainable place.

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The outline planning application for this site comprising indicative masterplan, Design and Access Statement and parameter plans has been assessed in a structured manner using the criteria set out in the adopted Swansea Residential Design Guide. This assessment starts with strategic aspects such as neighbourhoods and mixed used and works through the detail to conclude with character. The sections of the adopted Design Guide are as follows:

1. Neighbourhoods
2. Density and mixed uses
3. Natural heritage
4. Making connections
5. Public spaces
6. Streets as places
7. Inclusive places
8. Buildings
9. Community safety
10. Privacy and amenity
11. Accommodating parking
12. Quality and character

1. Neighbourhood creation

This is the largest of the SDA sites measuring approximately 2km from east to west and approximately 115ha in area. It would have the effect of joining the Llangyfelach and Penderry communities and creating a new community in its own right. This is especially important for Penderry which is an area of known deprivation where there are low levels of owner occupation homes and the scale of development immediately adjacent has regeneration potential to provide significant new accessible facilities and sports/ play provision as well as diversifying the community and household mix in the area.

The scale of the site allows for multiple new neighbourhoods to be created with a defined centre, plus distinct sub areas based around retained vernacular farm buildings within the network of retained historic field boundaries. There are also multiple access points to the existing adjacent communities which will maximise linkages by all travel modes.

The adopted residential design guide indicates that the 'ideal' walkable neighbourhood is based on 400m walking distances with approximately 800 dwellings with a population of approximately 2000 people. Therefore given the scale of this site, there is an opportunity to create a number of new linked neighbourhoods defined by the retained landscape features.

The recent research by 'Transport for New Homes' has highlighted the risks of isolation and car dependency in new developments which has implications for well-being and quality of life. This is not considered to be a risk at this Llangyfelach SDA site given the location adjacent to existing communities and extensive range of connections.

The LDP allocation for this site requires a distinct centre with co-located school, community facilities and commercial uses. The outline the proposal is for up to 1950 homes comprising a mixture of 1-2 bed apartments and 2-5 bed houses and the exact mix of house sizes will be confirmed at the Reserved Matters stage.

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Based on an average occupancy of 2.4 people per home the approximate population could be up to 4,680 people and this will be a mixed community including many families which is welcomed.

The masterplan layout has been conceived to support the walkable neighbourhood requirement within the site with a network of pedestrian routes and green spaces encourage walking and health/ well-being. Approximately 50% of the site is undeveloped and the proposal is to create and reinforce green corridors that provide structure as well as new open spaces, play areas, pitches/ parkland area with an extensive range of play provision. The co-location of the new primary school, community facilities and retail in a central location with a focal open space at an accessible location on the main spine street will create a clear 'heart' to the new walkable neighbourhoods. The retention of the farm groups at Pen Plas and Cefn Cadle will help define other areas and give the site a distinct sense of place.

The following sections of this assessment demonstrate how the masterplan and parameters 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 sub area masterplan and reserved matters stage (such as the allowance for the exact location of paths and streets to be agreed in future).

2. Density and mixed uses

The emerging LDP sets a density target for all SDA sites of 35 dwellings per hectare (net). This density allows for higher density in central locations, family housing with useable gardens across much of the site and lower densities on sensitive edges. 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 residential density is calculated based on the residential areas only and excludes open spaces and non-residential uses. The entire site within the outline planning application red line including greenspace/ ecological areas is approximately 115ha gross and 55.4ha net is proposed for residential development with a capacity up to 1950 homes, this gives a net density of 35 dwellings per hectare.

The indicative masterplan has been an important design tool to assess the housing capacity for the entire site. This is supplemented by a 1:1250 test layout for one of the development parcels to clarify if 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. There isn't the same level of testing for this site as the smaller SDA sites; the information for Llangyfelach is more strategic given the size of the site and this gives rise to the need for further 'sub area masterplans' to be agreed prior to the related Reserved Matters phase.

In accordance with the emerging LDP and the adopted residential design guide, the density of development varies within the site; this included higher densities closer to the local centre such as linked short terraces and apartments above the commercial units. Away from these focal areas, the bulk of the development would be family homes with gardens; whilst the sensitive north/ western edges which would be visible from the grade II designated Penllergaer Historic Park and Garden are lower densities with landscape 'feathering' to ensure a positive integration with the rural context.

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The s106 agreement will require 15% of the homes to be affordable DQR compliant types/ sizes with a mix of tenure including social rent and intermediate rent properties. These will be integrated into each phase of the development as clusters amongst the private homes. The affordable homes will be identical in design, character and quality to the private homes.

The site is a residential-led mixed use scheme and will accommodate a modest number of jobs within the new primary school, community and retail units. In accordance with the LDP employment strategy, the main area for job growth will be Swansea City Centre in support of regeneration objectives. The key consideration will be the offsite transportation links to existing and new employment areas.

The new 2.5 form entry primary school has been sited at the heart of the walkable neighbourhoods in accordance with the LDP concept plan where it is also in proximity to the existing schools off site at Ysgol Tirdenunaw and the closed former Daniel James school site. 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 primary school has been co-located opposite community facilities and retail units with residential above along with a focal area of public realm/ village green type space to create a strong and legible focal area to the development on the main spine street corridor. The education requirement is for the 2.5 form school to be fully operational by the 800th house and whilst this is not reflected in the parameters phasing plan, the identified trigger point would be included within the S106 agreement. The movement framework also provides walking and cycling routes to the adjacent off site schools.

The retail space in use class A1 and A3 comprises potentially convenience store of circa 370-460m² and smaller individual shops of 45-140m² including space for doctors surgery/ health centre, plus flexibility in adjacent residential ground floors to allow for future changes of use. The non-residential uses also include a restaurant/ pub. These community facilities are arranged as a horseshoe around a central village green for events with Local Area for Play, with the spine street running down the east side including bus stops. This area has been tested with 1:500 scale sketches to ensure that the SPG compliant commercial parking ratios do not compromise the public realm and placemaking concept.

The commercial units will be located within mixed use buildings with apartments above to ensure higher densities, vibrancy and natural surveillance of the focal public realm area. We cannot accept single storey single use retail buildings that make poor use of the central accessible location and attract anti-social behaviour in the evenings and out of hours and the phasing plan indicated potential for 30 units in this area.

The placemaking framework also considered an option of the school not being on site but within adjacent existing education land with three storey residential development and the community hall in its place. This was not preferable from a planning perspective as it could weaken the centre and sense of community and has not been taken forward as part of the application.

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, final land use quantum and architectural design of the buildings will be resolved at the Sub Area Masterplan stage prior to the submission of the relevant Reserved Matters phase.

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3. Natural and Cultural heritage

The site is predominantly 'greenfield' and is not previously developed land except for the farm groups, one of which is now a haulage yard, plus the former Cefngyfelach coal mine site which closed in 1910 and has reverted to rough grazing pasture. There is a network of fields with hedge banks and sporadic trees (many out grown from hedges), plus a few small tree groups. The landform is a local ridge that drops north down to the old Penplas Lane within the site.

The proposal retains and reinforces a significant green infrastructure network throughout the site. This includes a significant 15.7ha linear park along the northern sloping boundary approximately 100m-120m wide following the lower band of fields defined by hedges. Plus numerous green corridors which would be 15-30m wide within the site following the line of existing/ reinforced hedges. These green corridors ensure ecological connectivity through the site, form the basis of the active travel network/ accessible natural green space for residents, plus help structure the site into distinct character areas/ neighbourhoods. This ensures a unique 'green' setting for the new community as well as multiple wildlife corridors.

The masterplan includes areas of ecological sensitivity such as the SINC in the eastern area where the school is proposed. The loss of this SINC has been accepted to enable the central location of the local centre and would be mitigated by habitat creation/ management in the western area where there is restricted public access.

The time expired Unitary Development Plan designates the site as a green wedge to stop visual coalescence. The UDP will be superseded by the LDP in spring 2019. Obviously the Emerging LDP removes the green wedge designation to the SDA development area and it is considered that a well-designed new place with landscape retention/ integration will be a positive addition.

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 positive features within the public realm. This will help give the new neighbourhoods 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. The hedges on the site are shown on the first edition Ordnance Survey maps, some are banked and all are of historic interest. Where the hedges are proposed to be removed, this is acceptable and the DAS confirms that where hedges are removed 1.5m will be replanted for every 1m removed around the boundaries of open spaces and along streets within the public realm – this is welcomed and the detail can be addressed at the Reserved Matters stage.

The movement framework is based upon a spine street with a tree lined character and grass verges to either side, plus frontage development. This is a key placemaking and green infrastructure response and must not be watered down by highway requirements at the later stage.

The development in the western parts of the site could facilitate public foot and cycle access into Penllergare Park which is highlighted as an offsite provision in the LDP.

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However this cannot be delivered as part of the current scheme due to intervening land in separate ownership but enhancements to the existing Public Rights of Way network in the western part of the site can improve the existing access to Cadle which has the southern gate to the Penllergaer carriage drive.

The sloping topography creates logical low lying areas for attenuation ponds as part of the Sustainable Urban Drainage System (SUDS). These features are proposed to be positively integrated into the open spaces as part of the multifunctional green infrastructure network. They will have landscape benefits and also improve the ecological habitat provisions.

Heritage

This application is supported by an Archaeological and Heritage Assessment, plus subsequent Heritage Addendum. There are no designated heritage assets on site, however there are a number of features worthy of note including unlisted vernacular farm buildings of local interest; the site of Cefngyfelach coal mine; and numerous historic field boundaries including banked hedges. Offsite heritage assets include Mynydd Bach Chapel which is immediately adjacent to the boundary in the east of the site, plus Parc Penllergaer.

The masterplan proposes to retain and reuse the vernacular farm buildings at Penplas and Cefn Cadle which is welcomed. These include the farm house at Cefn Cadle and outbuildings at both sites. The reuse is proposed to be linked to adjacent phase of development although the new use isn't fixed and this can be resolved at the sub area masterplan or reserved matters stage possibly including community buildings, workspaces or small offices. The DAS is clear that the development will create public spaces around these retained farm buildings with new frontage development to ensure a positive relationship without crowding the undesignated heritage assets.

The site of Ty Coch farm comprises standing remains of stonework walls and banked hedges within small woodland area. The masterplan proposes that this woodland is retained and would be adjacent to the new local centre. The farm remains can be recorded, consolidated and interpreted as a site feature to help give a distinctive sense of place.

The vernacular buildings of Cefngyfelach Farm (now the haulage yard) includes a former farmhouse and this is proposed for demolition as part of the clearance of this site. This is acceptable and the heritage addendum includes a suitable record of this undesignated heritage structure.

Other lost farmsteads such as Cadle Fawr and Cadle Fach where there are no standing remains can still be used to name the new neighbourhoods. There is also potential to highlight the history of the site as part of a public art strategy.

Many of the historic hedges and stone faced banks (cloddiau) are retained and they typically form the spine of the green corridor with an average width of approx 12m. The drawn sections in the DAS confirm that this width comprises the hedge/ cloddiau (approx 5m) plus 1m either side and a further 2-3m grass area either side that can be used for maintenance/ cutting access.

The masterplan proposes a walking and cycling route within the site immediately to the east of Mynyddbach Chapel with frontage development facing the chapel.

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This would ensure a positive relationship and natural surveillance without crowding the building as an improved setting. Plus this chapel has the opportunity to play a role in the life of the new community.

The eastern part of the site includes the alignment of the former rail line running north from Cefngyfelach Colliery with stone bridge abutments at the crossing of Penplas lane which is proposed to be retained.

Whilst the grade II designated Penllergaer Historic Park and Garden is 1km from the site boundary there are views from the main carriage drive within the Penllergaer parkland that take in much of the application site including Cefn Cadle farm. This visual connectivity is an important consideration because the Penllergaer landscape was designed with a number of picturesque views to the south east over the wider farmland owned by the Penllergaer Estate. This visual connectivity and setting of the historic park and garden has been addressed in the Heritage Addendum and updated Landscape and Visual Impact Assessment. These updated documents recognise that development on the high ground area within the site will be prominent and this can be mitigated with further refinements to the landscape strategy and development density parameter plan to require a low density 'feathered' outward looking edge to the development with integrated planting to ensure a positive view to new development in the landscape rather than a solid wall of development.

The nearest Listed Building to the site is the grade II* listed church and separate tower of St Cyfelach's located some 480m from the north boundary of the site. The church tower will be visible from parts of the site and due to intervening existing built form and mature planting the proposed development will not affect the setting of these listed structures. The grade II listed Caersalem Newydd Chapel is 500m from the nearest area proposed for development, it will not be visible from the site and as there is no intervisibility, there will be no effect on the setting of this listed building.

Cadw has been consulted on the visual effect on the off-site designated heritage, namely the relationship to the Penllergaer Historic Park and Garden and the setting of Ancient Monuments and they have confirmed that from their perspective the proposed development will have no effect on designated heritage assets.

Initially GGAT identified a number of archaeological anomalies that could have been a constraint on development. These have been investigated with a number of evaluation trenches and this have revealed that the possible archaeological anomalies are generally geology/ soil conditions or modern infilling. GGAT have subsequently confirmed that there is no archaeological constraint.

Overall the proposed masterplan sensitively incorporates the undesignated built and landscape heritage features. This will help create a unique sense of place and distinct character to different parts of the site.

4. Connections

Although the site is large (115ha), there is very limited public access to or through the area at present. Penplas Lane is a historic route that clearly sees very current little use as a footway/bridleway.

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There are a number of public rights of way shown on the Council records that are not readily apparent or passable on site. The existing vehicle, walking and cycling routes circumvent the site well away from the boundaries. The site is a conspicuous gap in the rural footpath and bridleway networks and the proposed development is a chance to fill in a missing link in the local active travel networks.

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 number of linked walkable neighbourhoods with a distinct accessible centre and good links to the surrounding communities and Spine Street – that functions for both movement and placemaking.

The 1.5km spine street will help resolve local traffic issues as well as being the main access to the development areas. The Transport Assessment indicates that there will be high traffic flows along this route but vehicle must not dominate and it is not a bypass or relief road. This spine street will serve multiple functions including an active travel route with 3m shared path for walking and cycling, plus the main public transport spine with stops to serve the majority of the site within a 400m walking distance, plus a place of attractive character in its own right with regular tree planting, frontage developments with entrances/ windows and direct driveways. This will have the effect of helping to slow traffic to 30mph and 20mph in key areas which is essential as part of the liveable neighbourhoods. This balance of place and movement has been tested for this site and is proven to work. This is in accordance with Manual for Streets and must not be watered down at the Reserved Matters due to highway issues.

The access to Llangyfelach would be via a new spine street junction onto Swansea Road, plus the west end of Penplas Lane which would become a key active travel route. The access to Penderry would be via the eastern spine street junction with Mynydd Newydd Road which retains the existing small area of common land and pond. It is important to note that there will also be a new pedestrian and cycle link to the site off Milford Way via a bridge over the stream, this links to the centre of the Penderry community and will allow existing residents to access the new open space and play/ recreation facilities on site. There are additional walking and cycling links south onto Mynydd Newydd Road and onward over the common to the Leisure Centre, Ysgol Bryn Tawe and existing communities.

There is potential to open up access in future to the North West to link to the recreation footpaths with Parc Penllergaer as highlighted in the LDP. Whilst there is intervening land in private ownership and this is not part of this application, this connectivity can be improved by enhancing the existing western Public Rights of Way which connect to the Cadle access to the Park.

The DAS indicated that 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 linked walkable neighbourhoods with an accessible community core area. This provision within the site aligns with the Active Travel Act and national emphasis on health and well-being to encourage walking and cycling. The movement parameters plan shows the main network of streets and further connected streets will be defined within the development areas at the sub area masterplan stage. This crosses over onto the Green Infrastructure plan which also shows the walking/ cycling routes including full perimeter access for recreation and access to countryside/ open spaces.

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Overall the placemaking framework sets the basis for an active and healthy place through the requirements for connected and walkable neighbourhoods with meaningful provision for alternatives to private car use for short trips.

5. Public spaces

The proposed open space network will be a unique feature of this site which will give the development a distinctly green sense of place. With 57ha of the site developed this leaves approximately 50% (58ha) of the 115ha site undeveloped primarily for public open spaces. The open space is distributed through the site, with a significant linear park to the north, central open spaces within the neighbourhoods and a network of green corridors following retained hedges.

The proposed northern linear 'ribbon' 15.7ha Park is a multifunctional open space with links to the existing PROW network, incorporating Sustainable Urban Drainage System (SUDS) features such as dry and wet attenuation ponds, retained hedges, new allotments, and play for all ages (e.g. trim trail). There will also be long distance views to existing countryside from this area and new tree planting to help soften edge and 'feather' the views to the site from Parc Penllergaer.

Within the site, the most important open space will be the 'village green' as the focal point of the local centre adjacent to the school and community/ commercial buildings. Whilst the detail will be fixed at the future sub area masterplan stage, this will be a significant new green space (effectively a village green) measuring approximately 80m by 80m (approx 0.5ha) including a Local Equipped Area for Play (LEAP), undulations, space for community events and SUDS function, plus perimeter car parking, servicing of the commercial units and school drop off area.

The south west corner of the site includes an 'Ecological Reserve' with no public access from the adjacent PROWs to compensate for loss of SINC habitat in the east of the site where the school is proposed.

The spine street is also a linear open space which will have a winding alignment lined by formal tree planting linking retained landscape features and incidental spaces.

The site is defined by ecological/ green corridors of 15-30m width following the existing hedge networks; these set the shape of development parcels and create green spaces with mature planting for public spaces and play features.

The open spaces are easily accessed via the connected pedestrian/ cycle network, they will all be well overlooked by front elevations of homes (including the village green with flats above the retail units providing) to ensure natural surveillance and to deter anti-social behaviour. There is potential to integrate public art features into the open spaces as part of an agreed strategy to celebrate the strong green framework and add sense of place. Public art has moved on from traditional statues and could be landform features, play features, paving trails, participatory events, etc.

Spaces within development parcels (described in the DAS as 'Inter Urban Spaces') will be resolved at the sub area masterplan stage prior to the submission of the relevant Reserved Matters phases.

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Within the network of new neighbourhoods there will be local play provision in legible and well overlooked locations in accordance with the Fields in Trust guidance to ensure healthy lifestyles, wellbeing and community cohesion. Whilst the Parks Officer raised concern about the level of provision, Sport Wales is pleased to see there is good provision of recreational open spaces and a network of pedestrian and cycle routes, providing good connectivity within the development and beyond, both helping to encourage active lifestyles. The level of provision is therefore considered appropriate. The Parks Officer has advised that the Council may be willing to adopt the public open space/ sports pitches/ pavilion but further discussion may be required given that the drainage attenuation would also be located within the open space and there are no firm details of these proposals at the current time. A figure of £2,800,000 (£20,000 per acre) has provisionally been included towards the ongoing management and maintenance of these areas and the S106 either proposes that this contribution would be provided to the Council to undertake this management or would be used to set up a management and maintenance regime for the site by a private management company. This will be discussed further with the relevant departments.

These will be accessible to existing residents around the site. This includes:

- Extensive natural and semi natural accessible open space – 37ha provided
- 8ha sports areas provided as at least 5 full size pitches in legible and accessible locations. However the phasing plan shows the first pitches to be provided as part of phase 4B which would be after 1340 homes have been constructed and occupied which is very late in the phasing.
- 1 no. Neighbourhood Equipped Area for Play (NEAP) which will need to include an activity zone of 1000m², at least nine play 'experiences' and 30m buffer to nearest homes adjacent to the main centre of shops and school. However the phasing plan shows this main play area being provided as part of phase 4B after 1340 homes have been constructed and occupied which is unacceptably late in the phasing and could impact on the formation of a happy, healthy and cohesive community. The trigger point for the creation of the NEAP as part of phase 2B/2C after 900 homes have been constructed and occupied would be included within the S106 agreement.
- Multi Use Games Area (MUGA) typically comprising artificial turf surface suitable for various ball games with rebound fence panels adjacent to school grounds outside fence to allow for shared use by pupils and community
- 4 no Local Equipped Areas for Play (LEAPs) typically comprising 400m² activity zone, at least six play experiences and 20m to nearest homes; located around the site to maximise accessibility for all including one on the central village green space.
- 10 no. Local Areas for Play (LAP) which are primarily door step play for younger years within the development parcels with locations to be agreed at the sub area masterplan stage. The phasing plan confirms that these LAPs will form part of each phase of development as construction proceeds from either end of the spine street.
- Potential BMX track in the western part of the site that will be accessible from the adjacent Penderry community.

The play hierarchy is shown diagrammatically in the open space parameters plans and the location of the play provision in each area will be resolved at the sub area masterplan stage prior to the relevant Reserved Matters phase and the exact detail of the play provision is often finalised in consultation with the community by the Council's Play Team as the residents move in.

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As this is a greenfield site, the surface water attenuation requires surface water from roads, roofs and hard paved areas to be stored following periods of rainfall and 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 proposes Sustainable Urban Drainage Strategy (SUDS) ponds as naturalistic wet and dry landscape features within the open spaces. They will be adopted by the Council and maintained using a commuted sum. The main SUDS facility along the norther linear park edge is shown as part of phases 3A onwards, but it isn't clear how the SUDS will operate for the earlier phases up to then. This would be addressed via the drainage conditions.

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 frontage of the school is expected to be open and unfenced to ensure positive integration with the community and village core.

The locations and sizes of the open space areas as outlined above is set in the open space parameters plan and the detailed design of each space will be resolved at the sub area masterplan stage prior to the submission of the reserved matters application for that phase.

6. Street design

Past residential developments across Wales have been dominated by highway requirements and this is no longer acceptable. Manual for Streets is applicable throughout the UK and this provides the balance of movement and place considerations, placing people not vehicles at the centre of new walkable neighbourhoods with a network of streets. This is applied to the local Swansea situation by the adopted Residential Design Guide and subsequently, the Active Travel Act at the national level has set the basis for walking and cycling to facilitate short trips in support of healthy and cohesive communities. Highway colleagues have inputted into the placemaking framework and this has demonstrated that the current proposals are deliverable and must not be watered down for highway reasons at a later date.

As indicated earlier, the winding spine street with frontage development and greenery provides a key traffic route and important place within the development. The curving alignment is essential to give character, slow traffic and incorporate retained landscape features.

The connected residential street network throughout the site will have a 20mph design speed and will provide an important role in community cohesion/ connection as well as maximise travel options such as active travel and public transport. The DAS sets out the requirement with a drawn section for each street type as follows:

* 1.5km Spine Street with new light controlled junctions onto Llangyfelach Road and Mynydd Newydd Way. This will have a 6.3 - 6.75m carriage way for bus access, plus grass 2m verges and regularly spaced trees to both sides with 2m footway on one side and 3m shared path on the other. The design speed will be 30mph and 20mph in key locations such as the village green area. The placemaking aspects include a maximum 3 storey building height and all buildings facing the street with active frontages and front gardens of 2-5m.

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Generally the parking will be behind the building line along the spine street to ensure a quality of landscape and planting. However in some instances private drives are proposed to service frontages along Spine Street and these will be separated from footway/ cycleway by landscape strip of 3m.

- Primary Streets – these will link the development parcels with 5.5m carriageway, 1m verges to either side, 2m footways and a design speed of 20mph. Parking will be between the buildings, front gardens and 2-2.5 storey buildings. Spaces within parcels have scope for taller buildings of 3 stories where there is a defined space of circa 30-40m.
- Secondary Street will have a 5.5m carriageway and 2m footways to either side with semi private front garden areas and frontage parking on one side only. These will be through routes as part of a connected network within the development parcels with a 20mph design speed.
- Lanes and Mews will have a 20-10mph design speed with a shared space carriageways. These are supplemented by separate connected footpaths.
- Private Drive – these will serve small groups of homes and must be supplemented by adopted pedestrian paths to ensure walking connections.

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. The proposed design of the streets balance the place/ movement functions so that they 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 are being considered by the Council and this detail will be resolved at the Reserved Matters Stage.

The movement parameter plan sets the framework for the street hierarchy and essential levels of connection. This forms the skeleton for a new place that is easy to move around by all travel modes and where the streets support community cohesion not just vehicle movement. The final connected networks and detailed street design will be resolved at the sub area masterplan stage prior to the reserved matters submission for that phase.

7. Inclusive design

The development will be inherently inclusive. There are no excessively steep gradients within the site, all streets will have pedestrian provision and low speed shared street areas must have defined walking zones for vulnerable pedestrians. The parks and play areas will be accessible to all, including existing communities adjacent to the site. 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, community buildings and retail units should 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 are likely to 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 the existing adjacent communities that do not currently exist and the extensive on site play/ open space provision will be accessible to all.

8. Buildings/ townscape

The way that the buildings are arranged alongside the network of connected streets creates a townscape character in response to the unique naturalistic setting to the site. The basis for the townscape throughout the scheme will be set by the outline parameters plans and the townscape detail will be resolved at the sub area masterplan stage prior to the reserved matters submission for that phase.

The site is being promoted by Llanmoor Homes and may be developed by more than one house builder which means that the outline parameters and design framework must provide a robust placemaking framework whilst accommodating the standard products of the house builders.

In accordance with the LDP Policy and Concept, the masterplan proposes the site heart with a horseshoe of commercial/ community buildings set in a horseshoe around a 'village green' type open space. The built form in this area will be the most urban, comprising mixed use buildings with commercial units on the ground floor and residential above. This ensures a sense of scale that identifies the centre and the residential uses provide vitality and natural surveillance. The new 2.5 form entry primary school is the focal building onto the village green which would be a tall single storey building with double height internal spaces. Given the prominent location of the school in the focal location facing the village green this demands a well-designed focal building not just a functional building and this can be ensured at the Reserved Matters Stage. The pub/ restaurant is also a focal building of two stories. The DAS sets scale parameters for these mixed use/ non-residential buildings with maximum/ minimum footprints and heights to eaves/ ridge. The locations of all buildings around village green is fixed strategically in the DAS and parameter plans with detail to be resolved at Sub Area Masterplan stage prior to the Reserved Matters submission for this part of the site.

The DAS and parameter plans sets specific guidance for the frontages along the 1.5km spine street. This is a very important linear place within the development and the placemaking fixes include the density of development, building heights, parking arrangements and building set back from the carriageway. This provides a robust framework to co-ordinate frontages within different phases possibly by different developers whilst allowing scope for innovation and individual expression.

The new homes will have legible entrances facing the street and habitable windows will face the streets, open spaces and green corridors to ensure natural surveillance and community interaction. A key aspect of the masterplan is lower density outward facing edges where homes face the countryside edges 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.

With regard to the retained farm buildings, whilst their reuse is not set at this strategic stage the DAS sets the requirements to ensure positive integration with an open 'breathing space' around the retained buildings as placemaking features to avoid crowding and new development frontages to ensure active edges and natural surveillance.

Overall the placemaking framework sets the key rules for how the new buildings will be arranged and joined. This focuses on the key areas with scope for flexibility elsewhere.

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This is a robust approach and further refinements can be tested at the sub area masterplan stage prior to the submission of the relevant Reserved Matters Application.

9. 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 connect 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 generally based on the perimeter block layout, the majority of gardens are secured by buildings and are not open to casual intrusion. The parking for homes along the spine street will be accommodated behind the buildings in well overlooked parking courts, mews areas and side drives. It is not appropriate to have parking in front of the building line along the spine street as this would disrupt the quality of the public realm and the density of development. 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 can be informally policed by direct entrances to the units served and will be well overlooked by windows of habitable rooms and they could be gated if necessary as part of the Reserved Matters design.

The school field will be fenced to ensure safe guarding of pupils and to stop unauthorised access to the school building and external areas. The school frontage should be open up to the secure main entrance to emphasise the open community function of the building and this will be resolved at the detailed architectural design as part of the Reserved Matters stage.

10. Privacy and amenity

Generally the site layout will be based upon the perimeter block approach with rear gardens abutting rear gardens and secured by frontages. The masterplan and test layout area indicate that separation distances of 21m back to back between rear elevations can be achieved to ensure privacy between windows and gardens, this is also stated in the DAS. These amenity separation distances will therefore be achieved in the detailed layouts at the Reserved Matters stage. The DAS also indicates that changes in level between the homes can be taken up by sloped garden areas without the need for retaining structures or stepped buildings.

Amenity with regards to amenity of residents external to the site is considered further below.

11. Parking

The masterplan sets out a layout for a walkable network of streets/ green corridors and linked neighbourhoods with community facilities at the heart and improved off site active travel route connections to surrounding communities which will support healthy lifestyles and encourage walking and cycling for short trips. Cars are an inevitable part of the development but they will be accommodated in a way that is not dominant on the public realm or townscape.

As indicated earlier the parking for the homes along the spine street will generally be accommodated behind the building line in private parking courts, mews to the rear that are secure and well overlooked and side drives accessed from frontage private drives parallel to the spine street.

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The parking for houses in other areas will be accommodated on plot in the form of side drives between buildings and frontage parking that is typically on one side of the street with half of the frontage and softened by planting. Visitors will be accommodated throughout the development on street.

Commercial parking for the retail units and community hall will be accommodated around the village green area, within the individual plots. This area will also accommodate school drop off and servicing of the commercial units. The testing of this space has indicated that there is sufficient space to accommodate the vehicular requirements without compromising the open space qualities or the placemaking principles. Staff parking for the school will be accommodated within the school site area and parking for the sports pitches will be located close to the facilities served.

12. Character and quality

There are no distinctive building, architectural or materials characteristics surrounding the site. To the east, Llangyfelach has at its heart a traditional village with a few vernacular houses and the grade II* listed church, whilst to the west, Penderry is completely modern. Within the site, the existing farm groups have a traditional Welsh rural vernacular but are not unique. Therefore this development is an opportunity to create a new character that raises the quality of standard house types underpinned by the placemaking and green infrastructure network.

The DAS states that the 'Heart buildings' around the village green will be the most urban and treated in similar architectural manner with pitched roofs with a traditional palette of materials. Whilst the detailed design of the school and mixed use residential/ commercial buildings will be resolved at the reserved matters stage, the school will be the focal building and the ultimate design must reflect this prominence.

As this is an outline planning application, there are no detailed elevations of the houses however the DAS states that the new homes will have pitched roofs and the broad palette of materials is stated to be brick, render, stone and weather boarding. Other details will include buildings with two public elevations to turn corners, bigger buildings in key locations, architectural uplifts in key frontages and boundaries such as front railings on key frontages. The DAS splits the site into four character zones plus the unifying character along the spine street and specific mixed use community heart area. This is welcomed to break this large site down into a series of neighbourhoods that are defined by the different character areas. Given the strategic nature of this outline application, the extent of the character areas is set at this stage and the elements/ differentiation of the character areas will be resolved at the sub area masterplan stage prior to the reserved matters submission.

13. Sustainability

The development would establish a network of linked walkable neighbourhoods that encourages walking and cycling with new school at heart and improved off site connections to existing communities. The site can accommodate a bus service along the spine street either as an extension to an existing service or as an 'on demand bus service'. The open spaces and connected streets will encourage active and healthy lifestyles.

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The new homes should conform to Part L of the Building Regulations (Conservation of Heat and Power). Whilst this is outside of the scope of planning, the applicant has also indicated that all water fittings will be specified low water use, low energy light fittings would be used, the responsible sourcing of materials and highly insulated building fabric complemented by energy efficiency measures. 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 as the fall back.

14. Placemaking process

The DAS sets the strategic placemaking framework for the entire site through a series of parameter plans that address spatial aspects as follows;

- Landuses – this parameter plan sets the disposition of non-residential land uses, the density of residential parcels, the specific open grain treatment to the northern/ western edges to respond to the views into the site, the non-development open space, green corridor and retained hedges, plus the ecological areas, the retained vernacular farm groups
- Open Spaces – this parameter plan sets hierarchy of open space provision including, active sports provision, informal open spaces, play areas, retained/ new hedge green corridors, spine street corridor, retained ponds, general locations of SUDs drainage features, ecological areas with no public access.
- Building Height – this parameter plan sets the building height zones for development parcels ranging from 1-4 stories linked to height parameters to eaves and ridge for different building types in DAS
- Spine Street frontages – this parameter plan defines the urban frontage and key corners along the street linked to requirements in the DAS for these key areas
- Ecological Corridors – this parameter plan defines the strategic masterplan for green corridors aligned with retained hedges
- Vehicle Routes – this parameter plan defines the street hierarchy and requirements for a connected network with the spine street and primary streets shown and is linked to the street type requirements in DAS. The lower hierarchy streets would be defined at the sub area masterplan stage.
- Active Travel Routes – this parameter plan defines the key walking and cycling routes along the spine street and through the site following green corridors and upgrading Penplas Lane, plus corresponding bus stop locations
- Outward Facing edges – this parameter plan defines the treatment of the edges of the development parcels to define primary rural edges
- Phasing Plan – this parameter plan defines areas of development parcels and likely phasing with development proceeding from either end of the spine street. The school is shown indicatively as part of phase 2E but the S106 would state it has to be provided earlier by the 600th dwelling which may require temporary access arrangements.
- Character Area Plan – this parameter plan defines the extent of the 4 character areas in relation to the development parcels. The detail and differentiation of the character area treatment will resolved at the sub area masterplan phase prior to RM. Also defines the spine street as a corridor where unifying character between the area is needed
- Masterplan – this expresses the physical vision for the site showing the key elements as a diagram with annotations highlighting the key features.

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The DAS supplements these parameter plans and masterplan with strategic placemaking guidance for key aspects of the new place such as the heart area around the village green, the treatment of the spine street and its frontages, treatment of edges and green corridors, plus clarity on further spatial requirements within the development parcels.

Given the scale of this site (2km from east to west) and sheer number of homes (1950) the placemaking framework cannot provide the same level of detail/ guidance as the other LDP SDA sites (e.g. Garden Village is 750 homes). The outline planning application for Llangyfelach sets the strategic placemaking framework via the DAS and parameter plans and it has been agreed that further 'sub area masterplans' will be prepared and agreed prior to the submission of the relevant reserved matters applications. This 'time for design' approach is a recognised approach for large scale phased developments that will be delivered over a number of years and is fully supported by the Design Commission for Wales. Furthermore this time for design process is set out within the LDP Masterplanning policy SD2. It is envisaged that the sub area masterplan process will include layouts at 1:500 scale to test and refine the spatial arrangements, plus design coding to guide the detailed design of the buildings.

Conclusion

In light of the preceding structured placemaking assessment, it is considered that the outline planning application and accompanying strategic placemaking framework will create a robust basis for a new community that is healthy and cohesive with a strong sense of place, based upon walkable neighbourhoods with a distinct 'heart', with positively integrated green infrastructure throughout and strong connections to existing communities. Therefore approval is recommended with conditions to address the following aspects:

Recommended Conditions:

- Time for Design – sub area masterplans must be submitted and agreed prior to relevant Reserved Matters submission. These sub area masterplans shall be in substantial accordance with the strategic placemaking framework comprising the DAS and parameters plans. The content of the sub area masterplans must be at 1:500 scale and include placemaking and architectural design coding.
- Placemaking compliance document for each Reserved Matters phase to explain and justify conformity to strategic placemaking framework and relevant sub area masterplan
- Reserved matters applications to be in substantial accordance with sub area masterplans and strategic placemaking framework
- Agreement of a Public Art Strategy and implementation
- Link planting of spine street to relevant frontage of housing phase.
Ensure triggers for play provision for separate communities at either end of spine street.

Neighbouring/ Residential Amenity

Residents have raised concerns with regards to whether the environmental risks have been considered and shared with residents, concern over publicity of application, concern over environmental pollution, loss of view and decrease in the value of homes.

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The application has been submitted with a comprehensive Environmental Statement that has been publicly available throughout the duration of the application process (over a year) and the application has been advertised in accordance with the statutory requirements. The applicant also undertook both statutory consultation and also additional events to seek views on the proposal prior to submission.

The proposed development has been submitted in outline with only the strategic accesses to be considered at this stage. In the southern part of the site, the development would back on to the rear of houses located on Templeton Way. In addition, the site would wrap around several properties on Mynydd Newydd Road/ Heol Ddu and back on to properties on Swansea Road. Three farm units are located on site and two are intended to remain. At this stage, there isn't sufficient detail to advise of set-off distances as this would be subject to further design, which would be considered further at subsequent reserved matters stage. What should be noted however is there is room within the site to ensure that the set off distances are sufficient to protect future residential amenity (both existing and new residents) and there are also mature boundary features in the main which would further buffer the development which would be relatively self-contained. The proposals indicate a lower density around the sensitive edges such as the church and public house and other residential properties in close proximity to the boundary.

In terms of the properties located along Swansea Road, the entrance is located centrally in a 250m section of frontage and given the landform, it is unlikely that any issues would arise as a result of this. Whilst the new junction would result in cars facing properties opposite, it is not considered that the proposal would have a significant impact as the properties opposite are set behind a retaining wall at a significantly higher level than the adjacent road ensuring headlights are not an issue. The southern access gives rise to no significant issues.

No issues of noise/ disturbance have been raised by Pollution Control as a result of this proposal in terms of the noise impact but given the proximity of dwellings and the long-term build programme (given the scale of the site), it is considered necessary to attach a condition requiring a Construction Environment Management Plan to be submitted for each phase of the development. This has also been recommended by NRW for pollution purposes.

An Air Quality Assessment has found that existing conditions within the study area show good air quality in most locations, with concentrations of all pollutants below the relevant air quality objectives and overall the proposal was judged to be 'not significant'. 33 existing residential properties were identified as receptors for the assessment along with 9 locations within the site and results represent worst-case exposure within these locations for Nitrogen Dioxide (NO₂) and fine particulate matter (PM₁₀ and PM_{2.5}). The annual mean nitrogen dioxide concentrations are below the objective at all receptors. Any impacts are considered negligible at 29 of the receptors and slight adverse at 4 (7 in the worst case scenario). The annual mean particulate concentrations are well below the annual mean objectives at all receptors, with or without the scheme and the impact is negligible at all receptors. All of the predicted values for receptors within the development are considered negligible. The additional traffic generated by the proposal would affect air quality at existing properties along the road network but increases are either negligible or slight adverse and well below the objectives.

It should also be noted that predictions in 2019 are based on the worst-case assumption that the proposed development is fully operational and in reality the development would not be completed until much later so the traffic impact would have been overestimated.

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It should be noted that the promotion of active travel and public transport, provision of a travel plan and inclusion of trees would further mitigate any impacts.

The Pollution Control Officer originally sought a contribution to enable the capture of real-time data for NO₂ to feed into the Nowcaster System (Air Quality Action Plan), a Variable Messaging Sign, in order to enable the Nowcaster forecast to accurately produce its output to inform members of the public about the possible occurrence and risk of episodes of poor air quality within nearby AQMAs. However, an Air Quality Assessment has been submitted which indicates that the overall air quality effects of the proposed development are judged to be 'not significant'.

The Pollution Control Officer has acknowledged that the modelled data shows that the projections are compliant with the annual mean objective concentrations for Nitrogen Dioxide (NO₂). The Pollution Control Division would expect to see contributions from the developer to enable either a reduction in potential vehicle emissions by the provision of electric charging points for example or contributions to enable quantitative pollutant concentrations to be collected over time so that a better understanding of the effect that the increased traffic, created by the development, will have on the surrounding residential exposures. The applicant has indicated that they would consider an electric charging scheme for the local centre and this would be secured by condition.

Concerns regarding the loss of private views and the decrease in value of homes have been given very limited weight in the determination of this application.

The site would have a restaurant/ public house and retail premises on site with residential properties above the latter. On this basis, it is considered necessary to attach conditions limiting the hours of operation for these premises, and 10pm for the retail units and 11.30pm for the A3 premises is considered acceptable. It is also considered necessary to condition further details of fume extraction for the A3 unit and school and agree delivery arrangements for the various premises to avoid noise and disturbance.

The proposals are considered acceptable in terms of their impact on neighbouring amenity subject to conditions.

Highway Safety/ Parking/ Public footpaths

Several residents have raised concern with regards to the impact of the proposal on the surrounding highway network as Llangyfelach Road is already congested and queues form along it and the new development would create a minimum of 4,000 cars on the road around rush hour.

It is considered that the development would have a significant impact on the existing highways infrastructure in Llangyfelach. However, the location and accessibility of the site are considered to be good and the presence of a new primary school on site is of significant benefit to internalise education trips and improve the overall accessibility and sustainability of the site. Improvements and enhancements to existing bus services have also been put forward to improve access to public transport. This site was promoted in the LDP as it is anticipated that the spine street would remove existing traffic from Mynydd Bach Junction as many cars would utilise the strategic access road and improvements are also proposed to existing junctions in the vicinity (but not J46 of the M4).

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The applicant has covered Highways and Transportation within their Environmental Statement and has submitted a Transport Assessment to support the application. These have considered the pedestrian environment, cycling environment, public transport network environment, pedestrian capacity and comfort, pedestrian severance, pedestrian amenity, pedestrian delay, pedestrian fear and intimidation, cycle capacity and comfort, public transport network capacity, traffic impact, junction capacity, driver delay, hazardous loads, accidents and parking at the baseline in 2016 and in 2026 and the baseline with the development added as well.

The northern access would comprise of a signal controlled junction on to Llangyfelach Road (including a right turn lane for movements into the site from the north) whilst the southerly access would join Heol Ddu / Mynydd Newydd via a new roundabout. The new link road would measure approximately 1.8km with a speed limit of 20-30mph.

The Highways Officer has advised that in terms of Active Travel, whilst the cycle and walking network internal to the site is proposed to be both direct and convenient, there is scope to improve the links to facilities external to the site and improve accessibility and permeability, and help reduce car usage. There appears to be space to improve cycle facilities within the existing highway boundary on Mynydd Newydd road southbound towards the junction with Milford Way. There is sufficient adopted highway behind the back of footpath to increase the width of the path to 3m in line with Active Travel Act guidance. A contribution would be required for these works to be undertaken.

Officers have also secured a crossing from the SW corner of the site to Blaenymaes to improve linkages for existing residents to the facilities available on site and ensure the proposed development stitches into the existing pattern of development. A contribution would be provided for this bridge along with security that the appropriate phase of development would link in with facilities on the application site side.

In terms of PROW within the site, there are currently 4 routes that peter out and don't appear to be actively used to a significant degree. These routes would require formal diversion but the radial routes indicated within the masterplan are considered to provide sufficient linkages through the site and these link back to Penplas Lane. Penplas Lane is an adopted highway that currently serves two properties and is a no through route for vehicles. It is in poor condition in parts but is proposed as an active travel route running along the edge of the site which is welcomed. This route links into other footpaths in the surrounding area and the applicant has proposed a contribution of £150,000 to improve links. It should be noted that the proposed link from the site to Penllergaer Historic Park won't be provided as this would require access to third party land and would cross a SSSI which itself would bring further issues. The PROW Officer has not objected to the proposal and welcomes the contribution as it would improve access to the wider area for all users of the footpaths.

Walking isochrones from the site have been updated to show real walking distance rather than radii and the distances to local facilities, to show the potential walking times. This demonstrates that local schools and shops have the potential to be accessed by walking. Llangyfelach Road is relatively well served by public transport, amounting to roughly 12 services per hour, running between the city and Murrison/Llangyfelach. Guidelines suggest a maximum of 400m walking distance to access bus stops related to an active bus route, the analysis shown approximately 80% of the site falls within this distance.

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The applicant is proposing to fund a demand responsive bus service, this is provided by Arriva and would be funded for 3 years via a total section 106 contribution of £900,000, starting at the end of year 1. For year 1, the existing service 27 which runs from Swansea to Penplas, at 30 min frequencies is to be extended into both site entrances. This extension would also require a section 106 contribution of £120,000. These are both considered necessary and acceptable.

The northern site access was assessed in the original TA, this will take the form of a 3 arm signalised junction on Swansea Road around 100m north of the existing Heol Pentrefelin junction. The southern access has been relocated to the existing Penplas Lane to avoid common land and this would also take the form of a 3 arm signalised junction with all-round pedestrian facilities. The form of the access junctions has been agreed in principle.

The junctions have been assessed in capacity terms through the use of Linsig models (the industry standard software). Scenarios have been modelled for:

1. Current Year
2. Current Year plus development
3. 2026
4. 2026 plus development

The southern site access shows worst case results in the final scenario 2026 with development where the junction is predicted to operate slightly over capacity in the PM peak. It should be noted that a Linsig model takes no account of demand dependant stages or adaptive signal control, this would typically result in a real world improvement of 15-20% in capacity terms. This means the junction would operate within capacity during all modelled scenarios. Analysis shows the northern access is predicted to operate within capacity in all scenarios. The 2 new junctions will be linked by a new spine street running through the development, in accordance with active travel guidance a 3m wide footway/cycleway will be provided along the entire length. The spine street would also provide a future spur should a link be required for access to the A48 at a later stage. This would be secured in the S106 agreement.

Trip rates for the development have been derived from the TRICS database. This is a nationally accepted system used to establish likely trip levels from a wide range of development sites. To ensure a robust estimate the mode split has been averaged across the 3 wards in which the development sits. The trip estimate has been compared against the Swansea Strategic Transport Model and is considered to be both correct and robust.

Analysis has been undertaken of junctions surrounding the site:

Llangyfelach Rd / Heol Ddu

As a result of the new spine street, the junction is expected to experience a reduction in traffic under the final scenario, this due to existing network trips diverting onto the new route. This reduction is more than the traffic expected to be generated by the development, and as such the development will have an overall beneficial effect to junction operation.

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Modelled results show an over capacity in the final scenario however this is due to background traffic growth, it must also be noted that since the analysis was undertaken improvements at the junction to implement adaptive signal control has released significant additional capacity, and as such the installation will remain within capacity.

It should be noted that the Transport Assessment suggested improvements at this junction but these works have already been carried out by the Council which have improved the situation. The applicant was willing to undertake improvement works at this junction but it is no longer considered necessary and the contribution is better placed improving capacity elsewhere.

Brynhyfryd Square

The junction shows a 9% over capacity in the PM peak for the 2026 including development scenario, this is predominantly due to background traffic, and similarly to the Llangyfelach Rd / Heol Ddu junction, recent improvements have not been taken into consideration. As such it is predicted the junction to operate at around 90% of its theoretical capacity in the final scenario, taking into account the improvements already implemented.

Ravenhill Rd / Pentregethin Rd

Analysis predicts a significant over capacity in the final with development scenario, the effect of the development is most pronounced here worsening operation by around 30% in the AM and 50% in the PM.

It should be noted that beyond 100% capacity, modelled queues increase exponentially, and as such the results are likely significantly worse than can be expected in reality, particularly as an isolated model assumes all traffic remains on the same route, it cannot take into account the effects of route choice, which will generally limit traffic using a road by virtue of the road's own capacity, drivers will seek new routes. This effect is demonstrated in the outputs from the Swansea Strategic model.

Some mitigation has been offered to widen the Mynydd Newydd Rd approach to provide separate ahead/left and right turn lanes. This can be achieved within the existing highway boundary and offers around a 20% betterment. This in conjunction with the application of MOVA control will result in junction at or just above capacity, but as mentioned in 5.6 this does not take re-routing or changes in mode choice, which further improves junction capacity.

Carmarthen Rd / Ravenhill Rd (Fforestfach Cross)

Analysis shows the existing junction approaching capacity, which is made roughly 20% worse in the final year scenario.

Mitigation was offered to allow 2 lanes to turn right from Carmarthen Rd into Station Road with a merge arrangement on Station Rd. When this alteration was modelled it brought the junction back within capacity. Previous comments questioned whether this was the optimum and safest solution. Similar benefits can be realised from the use of improved signal control, a MOVA (Microprocessor Optimised Vehicle Actuation) implementation typically improves junction performance by around 20%. It is thought this is a more appropriate mitigation, as it would maintain a standard junction arrangement. Page 158

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Figures show approximately an additional 100 vehicles proceeding south from Ravenhill Road to Station Road due to the development traffic. This increases to around 150 vehicles due to background growth.

Improvements at Caerethin Cross and Fforestfach Cross risk being nullified by the constrained nature of Station Road and the Cockett Road corridor. It would be appropriate to introduce linked MOVA at the Cockett Road / Cwmbach Road junction in order to improve flows along Station Rd. This could be undertaken for around £35k, as the existing signal equipment is of the latest manufacture and can be added to.

CCS has undertaken significant work further along the corridor at Gors Avenue to improve throughput, and is currently undertaking outline design at the Broadway Roundabouts. Improvements to Cwmbach Road would complete the corridor and realise the full benefits of the mitigation already offered.

M4 Junction 46

This is an extended roundabout to the North of the site where the M4 meets Llangyfelach Road and the A48. This has been modelled using Arcady software, some capacity adjustments were required to the model to accurately reflect the irregular nature of the junction. These were agreed with TRL, the software developer and are seen to be correct.

Analysis shows that for the existing situation a maximum RFC (ratio of flow to capacity) of 0.58 in the AM peak on the M4 eastbound offslip, and 0.78 on Llangyfelach Rd in the PM peak. The maximum RFC for acceptable operation on any one arm would be 0.85.

Future year plus development modelling shows a slight decrease in performance of around 2% overall. Demonstrating there is sufficient capacity within the junction to accommodate the development and background traffic.

The Welsh Government (Transport) as highway authority for the motorway and trunk roads in Wales raise no objections to this outline application. They have reviewed the application and note that the impact on Junction 46 would be minimal, such that there would be no proposed improvements to the motorway roundabout.

In conclusion, the Highway Officer has no Highways objections to the proposals subject to the following mitigation measures to be delivered under a section 106 agreement:

1. Agreed mitigation being implemented at Caerethin Cross £250k
2. MOVA install at Fforestfach Cross £45k
3. MOVA install at Cockett Rd / Cwmbach Rd £30k
4. Increase width of footway by 1m along East side of Mynydd Newydd Rd as far as existing crossing near previous Leos site, to form a shared use path and convert the existing Pelican crossing to Toucan operation. £25k
5. Contribution of £120,000 to be made to extend bus service 27 into and out of the site for year 1.
6. Contribution of £900,000 over 3 years (development years 2 to 4) for the provision of demand responsive bus service.

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7. Contribution of £150,000 to improve PROW and active travel provision within the area.
8. Contribution of £100,000 to provide a bridge link and associated infrastructure from the site to Blaenymaes.

Emerging Policy SD D requires the proposals to provide the identified Transport Measures Priority Schedule including links to footpaths to the west of the site, provision of a central shared use path and a peripheral link. The latter two would be provided and improvements would be undertaken from Penplas Lane to the surrounding PROW network. It is not considered that the omission of links to Penllergaer Historic Park would result in this proposal being considered unacceptable.

The proposals are therefore considered acceptable in terms of access, highway safety and parking.

Ecology/ Trees/ Landscaping

An Extended Phase 1 Habitat Survey has been submitted along with a Detailed Phase 2 Survey including botanical, hedgerow, breeding bird (district importance), bat (local importance), dormouse, badger, Great Crested Newt, reptile (site level importance) and Marsh Fritillary surveys. Otter and Water Vole surveys were scoped out due to the nature of the habitat on site. The report concludes that habitats and species present within and around the site are not considered to pose an 'in-principle' constraint to development. However, the report identifies that the proposed development will have an impact on the Mynydd Bach SINC and Portmead Common SINC resulting in a minimal impact through loss of habitats considered to be of limited botanical value. This is in addition to the enhancement of retained features of Portmead Common SINC to increase the nature conservation value of this designated site. Mitigation also includes a commitment to retain, restore and enhance fields to the west of the site specifically for biodiversity as a long term mitigation proposal.

Penplas Grasslands SSSI is located 10m west of the application site (beyond Penplas Road). The marshy grassland and wet heath represents one of the largest and most important examples of unimproved pasture within the wider Swansea area. There is a mosaic of habitats including fresh springs and flushes, acid grassland and semi-natural broad-leaved woodland.

It is proposed for any host plant material present within field F39 (SINC) to be translocated to retained fields F48-F50 where appropriate, alongside further biodiversity enhancement measures.

Land take associated with the proposed built environment would equate to approximately 63.1Ha (approx. 55% of total site) with habitat loss confined predominantly to improved grassland fields and a single arable field. Loss of 3.8ha of species rich rush pasture and purple moor grass communities at Mynydd Bach SINC and 2.6ha of predominantly rush pasture of limited floral diversity associated with Portmead Common SINC. Fields F48-F50 which are to be retained, restored and enhanced specifically for biodiversity total 6ha.

Approximately 37.3ha (c. 32%) of the application site is to be retained and further enhanced through the planting and strengthening of key habitat corridors and their sensitive management over the long term with retention focussing on areas of greater ecological value.

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8m min buffer from watercourses/ ponds maintained throughout the site. Linear park measuring between 70m and 200m in depth. The retention, buffering and further enhancement of fields 48-50 comprising Portmead Common SINC located at the south western extent of the Application Site, for the purposes of ecological enhancement and mitigation. Retention of all 5 trees with bat potential and reptile translocation required.

A Habitat Regulations Assessment for this site has been undertaken and is referred to in more detail in the Drainage section of this report, however it concludes the development is acceptable subject to condition regarding a CEMP and surface water removal.

At the site level, in consideration of the distance of the Application Site from internationally designated sites (nearest within 4.6km), and the level of inherent mitigation within the illustrative masterplan including the retention and enhancement of grassland/ hedgerow/ woodland habitat, the inclusion of a sustainable drainage strategy and the inclusion of informal and formal open green space across the site, it is considered that there will be no significant negative effects to European sites or their qualifying features. Penplas Grassland SSSI, is situated 10m to the immediate west of the Application Site, beyond Penplas Road. Given the proximity of the national statutory site to development, significant negative impacts associated with an increase in recreational pressure are considered likely to arise upon qualifying features in the absence of mitigation.

The sensitive design of the proposed development has sought to locate residential units away from the north western boundaries of the Application Site adjacent to Penplas Grasslands SSSI, through the inclusion of a significant habitat buffer along the full length of the north western boundary of the Application Site. This buffer, to include the retention and further enhancement of existing areas of semi-improved grassland habitat and associated hedgerows and scrub, will seek to physically offset the proposed development footprint from sensitive habitats adjacent to the Application Site.

Additionally, the proposed masterplan has incorporated significant areas of informal and formal areas of open space provision across the Application Site considered adequate to minimise recreational impacts arising following occupation. All buildings at the Distribution Centre will be demolished along with a single building (B3 at Penplas Farm). All remaining buildings at Penplas Farm, Cefn Cadle and the disused railway bridge will be retained.

In terms of trees, an Arboricultural Impact Assessment has been provided with the application which recommends the retention of 3 category 'A' trees and 55 category 'B' trees on and adjacent to the site boundary having surveyed 55 individual trees, 55 groups of trees, 103 hedgerows and 1 woodland (27 items lie outside the site boundary). Oaks dominate the species hierarchy with the majority of species being native or naturalised. The tree stock is weighted towards maturity with 156 items being classified as mature or over mature. New tree planting will ensure succession to the tree stock is in place for the future, whilst improving and enhancing the biodiversity that the site can offer. 1 category A item, 10 category B items and 46 category C items would be lost as a result of this development. 154 surveyed items would be unaffected by the development (2 A; 45 B; and 107 C). The Arboricultural Officer has raised no objections to the revised plans and is satisfied with the proposed conditions that would be attached relating to trees on site.

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Natural Resources Wales raised some concern about the scope of surveys for buildings to be removed and the trees to be removed to facilitate the southern access. Further clarification has been sought and this will be provided at Planning Committee.

In terms of other impacts, NRW have raised no objections subject to conditions securing the green infrastructure (securing all wildlife corridors and ecological buffers), a detailed lighting plan (both for the construction and operation of the site) and a mitigation strategy for Marsh Fritillary Butterfly specifically relating to phase 2e.

The Council's Ecologist has advised that the relocation of the access raises no issues in terms of the habitats to be lost. There is a commitment in the Ecological Appraisal to retain all existing aquatic features surrounded by an 8m planted buffer and the ponds should also be connected to hedgerows to provide wildlife with safe access to the wider landscape. The Ecologist has requested that the attenuation ponds are designed sensitively to provide a biodiversity gain which would be considered further as the scheme progresses. Native wildflower meadows should be created in the immediate vicinity, with additional native tree, shrub and bulb planting. This should be designed by an ecologist. The ponds will also be important in preventing unwanted runoff impacting on the neighbouring Penplas Grasslands SSSI.

The three fields in the southwest corner of the site (part of Portmead Common SINC) have been identified as a suitable receptor site for Devil's bit scabious (*Succisa pratensis*) plants translocated from the fields in Mynydd Bach SINC, agreed previously with NRW. The receptor site would benefit from a site-specific Management Plan to be informed by regular monitoring. Preventing any unwanted impacts from the public (such as scrambler bikes) may be necessary in the long-term. Strategic planting of thorny plants is an eco-friendly option. In this regard, a Lacscape and Ecological Mitigation Plan would be required for the proposals and a sum (£225,000) has been identified towards the ongoing management of this area. At the current time, it has not been confirmed whether this would be provided as a commuted sum for the Council to manage or be provided by a management company/ wildlife trust and so the S106 will be flexible to ensure management is secured going forward but there is a degree of flexibility over who would provide it.

It would not be possible to retain all trees and hedgerows on site and the applicant has amended the plans to include the important trees and has included these on the masterplan along with the hedges to be retained. There is scope for landscaping and ecological enhancements within the various phases of development but these would be considered at a later stage. The Ecologist agrees with NRW's suggested conditions but has suggested further refinement which has been included.

The buildings proposed for demolition have been assessed as being of negligible potential for roosting bats. Therefore, only the usual consideration for bats is required and an advice note would be attached to any grant of consent. One tree of low potential would be felled. It would be necessary to fell using a 'soft fell' method, as detailed in section 6.5 of the Update Note and a condition to this effect would be included.

The proposals are therefore considered acceptable in terms of their ecological / landscaping impact subject to conditions and a management plan being secured through the S106 agreement.

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Contaminated Land/ Pollution/ Land Stability

A desk based Site Investigation has been prepared by Integral Geotechnique. Historically, there has essentially only been an agricultural use on-site. A few mine entries indicate access to coal minerals, in particular Cefngyfelach Colliery in the east of the site. The other entries appear to be for trial entries/ ventilation. Coal Authority records indicate that deep mining has occurred at the site that do not influence the surface. There is limited potential for shallow workings within the western edge of the development site and south-east of Cefngyfelach. A former landfill is shown to the south west of Penplas Farm. This is reported to be inert waste materials and hence is not considered a significant constraint on development.

NRW do not object to the proposals subject to various conditions regarding contamination including a preliminary risk assessment, detailed assessment of risk, remediation measures and a verification report being submitted. Reports on monitoring and maintenance and contingency action should also be submitted. A condition regarding unexpected contamination would also be attached to any grant of consent. The Pollution Control team are satisfied with the conditions recommended by NRW.

With regards to pollution, for a development of this scale NRW strongly advise that the construction phases are supported by an appropriate Construction Environment Management Plan (CEMP), which details the necessary pollution prevention measures to ensure the integrity of controlled waters within the vicinity of the development. To be most effective the CEMP must be specific to the site in question and, where appropriate, to the specific phase of development. A condition to this effect would be attached to any grant of consent.

The Coal Authority has 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 report identifies that the site has been subject to past coal mining activity and that the risks posed to the proposed development by the shallow coal mine workings and mine entries would need to be investigated. The nature and extent of these intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The exact location of the mine entries on the site should be established and their location, along with their zones of influence, used to inform the development layout. This should ensure that adequate separation is provided between these features and any buildings proposed.

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. 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 (and any remediation) prior to commencement of development.

NRW has also requested conditions limiting piling or other foundation designs that use penetrative methods details of any ground stabilisation or grouting works. Subject to these conditions, the proposals are considered acceptable in terms of pollution and ground stability.

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Comments have been received that the proposals would have a negative effect impact on the city and its people but it has not been clarified in what respect. Concerns have been raised about the negative impact on the health and well-being of the established population by increasing urban sprawl, congestion and result in a decrease in amenity space. In terms of the latter issue, whilst the development would result in the loss of greenfield land, it would increase areas of informal and formal open space that could be utilised by existing residents of the community and new residents. The proposal would create a long linear park around the edge of the development and as noted in both PPW and the Emerging LDP, there are various benefits to creating and enhancing green infrastructure including reducing air pollution at the local level. The placemaking approach (as set out above) is considered to have significant benefits for health and well-being.

The applicant submitted an Air Quality Assessment with the application indicating that the emissions from the additional traffic generated by the proposed development would have negligible to slight adverse impacts for nitrogen dioxide and negligible impacts for PM10 and PM2.5. Air quality conditions for new residents within the proposed development have also been considered. Pollutant concentrations are predicted to be below the air quality objectives at the worst-case locations assessed, and air quality conditions for new residents would be acceptable. Overall, the air quality effects of the proposed development are judged to be not significant.

The Council's Pollution Control Division acknowledges that the modelled data shows that their projections are compliant with the annual mean objective concentrations for Nitrogen Dioxide (NO₂) there has been no comment regarding Welsh Government's Local Air Quality Management in Wales Policy Guidance (June 2017) requirement that 'Our long-term goal for air quality should be twofold, to achieve compliance with the national air quality objectives in specific hotspots and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit'.

The Pollution Control Division accepts this is a worst-case scenario in that it assumes the measures to promote active travel and use of public transport are not implemented, but expected to see contributions from the developer to enable either a reduction in potential vehicle emissions by the provision of electric charging points for example or contributions to enable quantitative pollutant concentrations to be collected over time so that a better understanding of the effect that the increased traffic, created by the development, will have on the surrounding residential exposures.

Given that the level of the impacts, it is not considered that a contribution towards the latter would meet the relevant CIL tests (which are set out below in the S106 section) but in line with PPW 10, an electrical charging strategy would be required by condition to further combat emissions. This is considered acceptable along with the other measures to encourage travel by other modes of transport and the proposals are considered acceptable in terms of their impact on air quality and pollution.

Affordable Housing

The LDP seeks a target of 20% Affordable Housing provision on site within this area. Whilst the site is a greenfield site, there are significant 'opening up' costs associated with this site to provide the necessary infrastructure and relevant contributions.

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The current UDP policy states that in areas where there is a demonstrable lack of affordable housing, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on site. The Planning Obligations SPG states that 25-30% of all new dwellings should be affordable, however this is only a starting point and viability is an acknowledged consideration. Further to this, the Emerging LDP policy has been evidenced and is considered a more appropriate starting point.

The applicant has submitted a viability assessment (which has been independently verified as part of the application) that indicates that 15% provision can be provided on site. The development would therefore provide a significant amount of affordable housing on site (approximately 292 dwellings depending on the overall number of dwellings within the development).

Whilst the Local Housing Market Needs assessment indicates that 70% of the demand is for social rented accommodation, consideration has to be given to viability, site context and ensure a consistent approach across the Strategic Sites as far as possible. Each additional intermediate property creates more revenue than a social rented property to the developer, so from a viability perspective, increasing the split in favour of intermediate creates more value to the development (to cover required infrastructure).

Given that viability is an issue, the applicant has suggested increasing Intermediate across the site to a level of 75:25 (219 intermediate units and 73 social rented units) but this would not be considered acceptable as it doesn't meet the overall demand throughout the County.

The Council have suggested what it considers to be a pragmatic alternative which seeks to provide for a higher percentage splits in the 6 southernmost development parcels to 80:20 (intermediate: social rent) with the remainder of the site at 50:50 on the basis that the preferred split (70:30) is unviable (at the current time) and the site is in close proximity to Blaenymaes which already has a high social rented tenure. It is considered that this split for the parcels in closest proximity to Blaenymaes, whilst not meeting demand at a County level, could result in a broader range of housing tenure within the immediate area and provide the opportunity for existing residents to potentially purchase properties within the area through the Low Cost Home Ownership Intermediate tenure, an option not available to them given the removal of 'right to buy'. This would result in a site-wide split of 64:36 providing 187 intermediate units and 105 social rented units across the site.

However, this suggestion is on the basis of the current viability assessment which advises that a review is built in to consider the actual costs and sales values associated with phase 1 (completion of unit 550 units). This review mechanism would enable the Local Authority to assess the actual costs considered to identify whether an increased % of affordable housing or a revised tenure split in line with identified need in later phases (including 4 of the 6 phases mentioned above) is achievable. It should be clarified that the review mechanism would not seek to clawback any additional money within the first phase but provide a more accurate indication of costs and sale prices for the development.

Overall, the proposed tenure split would be 36% Social Rented and 64% Intermediate provision with a range of dwellings types/ sizes to be provided. All the units must be DQR compliant and should be pepper potted throughout the development within each phase.

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On the basis of the submitted information, the Housing Officer has not objected on the basis of the viability information and the proposals are considered acceptable and these requirements would be secured via a S106 agreement along with a review mechanism.

Education

A 2.5 form entry primary school is proposed on site within the district centre in close proximity to the former Daniel James and YGG Tirdeunaw site with a pedestrian link provided between the district centre and the existing school site. The primary school would be located on grounds large enough for a 3 form entry school to enable future expansion if required.

The Local Authority are requesting full contributions for primary and secondary education. The primary contributions to be provided by means of a 2.5 Form Entry (FE) (with potential to expand to 3FE if required) primary school building on site as indicated in the DAS. 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 and linked to Statutory Consultation processes. The secondary contributions are to be received as contributions at agreed milestones.

The Local Education Authority recommends the first 1.5 form entry is delivered and handed over to the local authority during the construction of Phase 1 of the development, by occupation of unit 400 and further 1 form entry delivered and handed over to the local authority during construction of Phase 2 of the development, by occupation of unit 800. The applicant would prefer to provide the primary school without having to build in phases but has acceded to this request.

In accordance with the Planning Obligations SPG, the primary requirement is £6,269,874 and the secondary education requirement is £6,798,792. However, it is appreciated that the cost for providing the school on site (which is a requisite part of the placemaking approach) will require an element of pooled contributions for some of the secondary contributions as the school is likely to cost in the region of £9.5 – 10 million pounds. As such, detailed costings would need to be provided for this element with the remainder coming off the total education contribution sought of £13,068,666.

Following re-consultation, a request towards higher education (for children 16+) was also sought but this had not been factored into the LDP viability assessment as it was not identified as a requirement. The applicant has indicated that viability is an issue on the site, as noted above in the affordable housing section and on this basis, this additional request was considered unreasonable in the circumstances. Upon further consideration of the secondary contributions, it was also considered that a further £915,000 would need to be cut from the requested secondary contribution due to viability issues. Officers considered that as the largest pool for contributions, and with a 2.5 entry school being provided on a site area large enough for a 3 form entry school, this was the most acceptable solution. It should also be considered that the land on which the new school would be developed has not been considered in terms of the costs associated with the new build and a review mechanism would be included to identify whether all/ part of this contribution may be possible in the future when more detailed costs are known.

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Phasing of the secondary contributions would be provided towards the end of the development with contributions provided from unit 1,200 onwards. Further clarity on design is required prior to the relevant Reserved Matters submission and the applicant would be advised of the need to speak to the Education department prior to any application.

On the basis of the above, a combined education contribution of £12,153,666 has been factored into the S106 with the balance after the school has been completed provided for secondary education towards the end of the development. A future review mechanism would enable this position to be re-evaluated in light of actual costs and sales once phase 1 is nearing completion.

Archaeology

An Archaeology and Heritage Assessment identifies that the site does not contain any designated heritage assets and few features of heritage interest. Those that are included are the earthwork remains of Cefngyfelach Colliery, including the serving mineral railway and the remains of an associated early 20th century bridge. The location of a medieval manor house, known as Y Llan is recorded, although there is no physical evidence for this. The assessment acknowledges that there are some hedgerows within the site that are of some historic interest and could be seen as important under the Hedgerow Regulations, whilst not all of these survive in good condition. In addition, there are several farmsteads of local importance. The impact on the historic landscape as a whole would therefore be low.

The site does contain features of local importance such as the remains of a farmstead which would be located to the south of local centre and cloddiau (banked walls with hedges on top) are also a local feature found within the site and could be re that could be used to add interest/ character to the development. These are to be included within the development and provide opportunities for public art/ interpretation boards that will add to the sense of place as requested by the Placemaking and Heritage Team Leader.

The Glamorgan Gwent Archaeological Trust originally requested further survey information was submitted to consider a number of anomalies of likely archaeological origin within the site. This has been undertaken and submitted which identified the majority of anomalies were geological in origin. The exceptions related to Modern or Post-medieval agricultural features and a small patch of burning. No artefacts were recovered. The results suggest that it is unlikely that significant archaeological remains will be encountered during the course of the development and GGAT has no objections to the proposal.

Drainage/ Flooding

According to the Development Advice Maps, the site is considered to be at little or no risk of flooding. The development would adhere to the SuDS hierarchy on the application site. Based on the site's topographical survey, the proposed development comprises a number of catchment areas that drain towards surrounding water bodies (i.e. watercourses). It is therefore proposed to discharge run-off from the proposed development at controlled rates, to these watercourses, via on-site SuDS features. It is proposed that these would form attenuation basins and/or attenuation ponds. It should also be noted that the eastern part of the site falls towards Llangyfelach Road and surface water would be discharged to a DCWW sewer (subject to their approval).

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In addition, as the site is bound by the MoU concerning the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), donor sites would be required to enable the proposed development.

All drainage up to and including the 1 in 30-year rainfall events will be contained below ground. This will be a fully adopted system and under the remit of Dwr Cymru/Welsh Water (DC/WW) once adopted under a legal agreement of a S104. Any rainfall events above and over the 1 in 30 year will catered for above ground in allocated spaces and ultimately will drain to a series of parcel based attenuation features. These will be in the form of ponds and / or detention basins and will be designed to attenuate runoff prior to controlled discharge to the adjacent watercourse at greenfield rates. The SW drainage strategy has been designed to accommodate the 1 in 100 year plus climate change event.

DCWW have confirmed that Phases 1 & 2B could communicate to the public sewer whereas the remainder of development would require the undertaking of a Hydraulic Modelling Assessment (HMA) of the public sewerage system as well as the water supply network. The development site is crossed by a distribution watermain but it may be possible for the watermain to be diverted. In addition, it was advised that the development site lies in an area with potential to discharge into national and international designated waters and, in accordance with the requirements of the Memorandum of Understanding (MoU), and a surface water removal scheme would be required to compensate for foul flows from the proposed development site.

We also advise that the purpose of the HMA is to establish suitable points of connections, as well as any off-site reinforcement works along the public sewerage system, and not a “donor site” (Para 5.2) for the purposes of the MoU requirements.

DCWW have therefore requested a condition requiring no more than 150 units drain to Gowerton and request that an appropriate surface water removal strategy is submitted to enable these flows. They have also indicated that there is capacity for 198 units to connect in the opposite direction to Swansea Bay. Additional modelling would be required for the remainder of the development. The applicant has indicated that the HMA has been progressed and it has shown that it may be possible for the majority of the site to drain to the Swansea Bay WWTW rather than Gowerton WWTW. DCWW have also requested a condition requiring details of a potable water scheme to serve the site be submitted to and approved in writing by the Local Planning Authority.

Given that there is some uncertainty regarding the proposal, it is recommended that the condition is split to enable the identified flows to connect and requiring surface water removal mitigation details in case more than the 150 properties end up flowing to Gowerton. This would provide a degree of flexibility to enable the developer to complete the HMA and identify solutions for the remainder of the site.

The Drainage Authority has identified that there are flooding issues on the receiving watercourse. It has been tentatively identified that the issue may not be the culvert but the current grid which is not compliant with the 2009 Trash Screens Design and Operation Manual. The applicant has agreed to contribute to the cost of an upgrade in the region of £50,000 to improve this situation. However this would be in conjunction with an approved drainage strategy which acting in combination over the years to come would offer catchment flood risk benefits to the properties affected.

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The Drainage Authority queried whether urban creep has been considered as part of the surface water design process and has requested that no extensions /conservatories etc. or changes in impermeable area for the lifetime of the development would be permitted. The applicant has advised that it has and a surface water drainage strategy would need to be submitted with any subsequent Reserved Matters applications so this could be considered further on a phase by phase basis.

Moving onto new aspects that have greater clarity now that Schedule 3 of the FWMA is going live from 7 January 2019, section 4.16 states that all drainage up to and including the 1 in 30 year rainfall events will be contained below ground, we assume this includes the use of conventional piped SW networks, however this approach would not comply with what are currently the non-statutory SuDS Standards. WG have confirmed that the 6 standards will apply to the entirety of any drainage scheme including conveyance features which in effect precludes the use of piped networks on a strategic basis. As this application was submitted before the introduction of the new legislation, it would not apply initially, but any subsequent reserved Matters applications submitted after this date would need to comply with the relevant legislation and the applicant has been made aware of this during the course of the application. Essentially, this is a separate consent process independent of the application process and it would be for the applicant to ensure compliance with any outstanding phases. This may result in a complete design shift in at least some of the phases in regards to the drainage scheme and could impact on the layout.

Whilst the Drainage Authority has raised some concerns, they are satisfied that the proposed strategy would work for the development and have no objections subject to further details of the surface water drainage and management arrangements as a condition of any consent.

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 CBEEMs. The Council have undertaken an Appropriate Assessment under the Habitat Regulations for this scheme and NRW have confirmed that they agree with the conclusions of the appropriate assessment carried out by the Council in relation to the above application. The assessment of the potential for the proposals to undermine the conservation objectives of the Carmarthen Bay and Estuaries Special Area of Conservation and the integrity of the Burry Inlet Special Protection Area and Ramsar sites is precautionary and, therefore, a condition requiring a suitable Construction Environmental Management Plan (CEMP) should be agreed prior to construction beginning along with the inclusion of detailed surface water removal schemes for any drainage that discharges to the Gowerton WWTW. The Protected Sites Lead Officer has confirmed that the approach taken in the assessment is precautionary and that, with the inclusion of the proposed mitigation, NRW agree with the assessment conclusion that the development would not have an adverse effect on site integrity. This constitutes NRW's advice as the appropriate Nature Conservation Body as defined by the Habitats Regulations 2017.

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.

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Welsh Language

Whilst the application is in outline form, this Plan incorporates the following measures which would seek to promote the use of the Welsh language:

- Marketing – Local marketing of the proposed residential development in the Welsh medium should ensure maximum exposure to a high proportion of Welsh linguists.
- Phasing - The proposal is to be delivered in a number of phases at a yield of approx. 140 units per annum. The sensitive phasing of the development takes into account the ability of the area to accommodate the development without eroding the position of the Welsh language.
- Affordability - Increasing the existing provision of housing stock within the local area is likely to mitigate (to a certain extent) any existing issues of affordability. Moreover, the potential to provide a level of affordable housing will allow local people who require housing to remain in Llangyfelach, and will therefore assist with maintaining the level of Welsh speakers in the local area. However, this provision is dependent on viability.
- Provision of Community Parkland and Open Space - As illustrated within the Landscape Scheme submitted with this application, the proposal incorporates a substantial proportion of open space, comprised of retained formal parkland and areas for play. The community use of these open spaces by both existing and proposed residents will bolster social networks.
- Provision of School - The Applicant is working with CCS to ensure that the Authority's aspirations for the delivery of a Primary School within the proposals are realised. The Authority has not currently specified the medium which the school will teach in. Should the school specify a bilingual or Welsh-medium school, it is considered that this will promote the Welsh language amongst children and this is likely to indirectly encourage the non-Welsh speaking adult population to learn Welsh.
- Balanced Unit Mix - The provision of a mix of unit types to ensure a balanced age demographic is maintained.
- Street Names and Signage - As per the adopted Paragraph 1.5.4 of the UDP and the advice contained within Topic Paper: Culture and Heritage (Aug 2013), the development will include 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 a condition would be attached to any consent requiring the development to proceed in accordance with these principles.

Common Land

The application originally crossed a section of common land for the southern access but this has subsequently been revised. As such, common land is not an issue impacting on this application.

Other issues

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Despite resident concerns, there is no evidence that the proposal would have a negative impact on the city or the health and well-being of the established population by increasing urban sprawl and decrease amenity space. The current site has PROWs crossing it but is not public open space. The proposal would provide significant amenity land for all residents, and this proposal would not just benefit existing residents. The Council's Beyond Bricks and Mortar team have requested that as part of the construction phase of new developments BB&M seeks to include community benefit clauses to implement a targeted recruitment and training approach, thereby increasing job and training opportunities for unemployed and disadvantaged residents. This is in line with Emerging Policy IO 2 and would be included within any S106 agreement.

Planning Obligations:

The Planning Obligations associated with this development include:

- Provision of 15% affordable housing on site to DQR (of which 64% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 36% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL)
- Education contribution of £12,153,666 comprising:
 - (a) Provision of a 2.5 form entry primary school on grounds large enough for a 3FE school to be provided in full by occupation of unit 800 (provision of 1.5 FE school by unit 400) and provision to transfer school to Local Authority with full size football pitch in the grounds
 - (b) Remainder of contribution (circa £2,500,000) towards secondary education within the vicinity
- Contribution of £1,020,000 towards procurement of public transport to serve the development (Arriva Click and provision of additional bus services) comprising:
 - (1) Contribution of £120,000 to be made to extend bus service 27 into and out of the site for year 1.
 - (2) Contribution of £900,000 over 3 years (development years 2 to 4) for the provision of demand responsive bus service.
- Contribution of £385,000 towards off-site highway infrastructure comprising:
 - (a) Caerethin Cross mitigation - £250,000
 - (b) MOVA install at Fforestfach Cross - £45,000
 - (c) MOVA install at Cockett Rd / Cwmbach Rd - £30,000
 - (d) Increase width of footway by 1m along east side of Mynydd Newydd Rd as far as existing crossing near previous Leos site, to form a shared use path and convert the existing Pelican crossing to Toucan operation - £25,000
 - (e) Design fees based on 10% of the above -£35,000
- Provision of 3 full size grass pitches, 1 all-weather pitch and a sports pavilion.
- Provision of 1 MUGA, 1 BMX track/ Skate park, 1 NEAP, 4 LEAPs (or LLAPs) and 10 LAPs

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- Potential contribution of £2,800,000 for ongoing maintenance of areas of public open space within the site or allocation of this sum towards ongoing management of public open space by a private company (subject to further discussion about precisely what this entails) OR a management and maintenance agreement for all areas of public open space and sports facilities.
- Potential contribution of £225,000 for the ongoing ecological management and maintenance works to restore & enhance the retained SINC habitats OR a management and maintenance agreement for retained SINC habitats and ecological features.
- £250,000 contribution towards PRow improvements and Active Travel improvements in the area (to include an Active Travel bridge across the stream along the southern boundary of the site)
- £50,000 contribution towards increasing the grid size of the receiving watercourse
- Commitment to Council's Beyond Bricks and Mortar scheme during construction.
- Review of S106 agreement at completion of unit 550 with regards to Affordable Housing mix (in Phases 2c, 2d, 4a and 5a) and the education contribution (up to the sum of £915,000)
- £25,000 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 provision, secure affordable housing on site, provide sufficient open space and its maintenance, promote the use of public transport, improve drainage and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.) and,
- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

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, the submitted Environmental Statement and the Emerging LDP. 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 Section 106 Planning Obligation in respect of the contributions listed above.

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- 1 For the avoidance of doubt, where reference is made to a phase of development in any condition, this refers to 1 of the 14 phases (Phase 0 - Phase 5A) indicated on the "Phasing Plan (November 2018)" received on 8th November 2018. The development shall be undertaken in accordance with this phasing plan.

Reason: To ensure there is a clear framework for both the progression of the development and for the submission of the 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 appearance, landscaping, layout, access (excluding the strategic accesses) 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 points off Swansea Road and Mynydd Newydd Road) begins on each respective phase of development and the development shall thereafter 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 application 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 10 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 and strategic accesses 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 12 years from the date of this permission or before the expiration of two 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:

Drawing No. SP440 - P100 (Site Location Plan) received on 14th August 2017)

Drawing No. W151644/A/11 Rev. H (Proposed Central Signalised Junction on Llangyfelach Road Long and Cross Section) received on 31st July 2018

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Drawing No. W151644/A/22 REV. E (Proposed Central Signalised Junction on Llangyfelach Road Long and Cross Section) received on 1st August 2018
Drawing No. W151644/A/23 REV. E Proposed Southern Junction off Penplas road Alignment and Longsection received on 1st August 2018.

For the avoidance of doubt, the extent of the detailed permission for access extends from the existing public highway to the red hashed line indicated on the junction drawings above.

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

- 6 Notwithstanding Article 5 of the Town and Country Planning (General Development Management Procedure) (Wales) Order (2012) (as amended) no reserved matters application shall be submitted to the Local Planning Authority until sub-area masterplans including that phase of development have been submitted to, and approved in writing by the Local Planning Authority. Any subsequent reserved matters applications shall be in substantial accordance with the approved sub-area masterplan for that phase and shall include a detailed design statement outlining how it complies with the outline parameters contained in the Design and Access Statement and parameters plans listed below.

The proposed sub-area masterplans shall be designed in substantial accordance with the following documents.

Masterplan (Ref B) received on 17th October 2018

Parameter Plan 01 - Land Use (SP440 - PP01) received on 24th July 2018.

Parameter Plan 02 - Open Spaces (SP440 - PP02) received on 17th December 2018.

Parameter Plan 03 - Building Heights (SP440 - PP03) received on 24th July 2018.

Parameter Plan 04 - Key Corners (SP440 - PP04) received on 24th July 2018.

Parameter Plan 05 - Key Ecological Corridors (SP440 - PP02) received on 24th July 2018.

Parameter Plan 06 - Vehicle Routes (SP440 - PP06) received on 24th July 2018.

Parameter Plan 07 - Active Travel Routes (SP440 - PP07) received on 24th July 2018.

Parameter Plan 08 - Outward Facing Edges (SP440 - PP08) received on 24th July 2018.

Parameter Plan 09 - Phasing Plan (SP440 - PP09) received on 17th December 2018.

Parameter Plan 10 - Character Area Plan (SP440 - PP10) received on 24th July 2018.

Landscape Strategy (Appendix 2 of the Design and Access Statement) received on 17th October 2018.

Design and Access Statement - Revision B (dated 9th October 2018) received on 17th October 2018.

Reason: To enable a further level of detail to be considered as sub-area masterplans to inform the subsequent reserved matters applications given the overall scale and strategic nature of the submitted plans.

- 7 The north and south strategic accesses hereby approved shall be completed in accordance with the approved details. The northern access shall be constructed prior to the first beneficial occupation of any of the dwellings within phase 1a. The southern access shall be constructed prior to the first beneficial occupation of any of the dwellings within phases 1b and 1c.

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Reason: To ensure the development can be accessed safely in a timely manner.

- 8 Any reserved matters application relating to a phase of development, shall include details of proposed finished floor levels of any new building within the development, finished levels of open space and existing and proposed ground levels in relation to a fixed datum point for that phase and cross sections where relevant. Where a phase adjoins existing residential development located outside of the site, the reserved matters application shall include cross section drawings showing the existing and proposed ground levels in relation to a fixed datum for that phase and the existing ground levels of the adjoining residential properties. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures.

- 9 The development hereby approved (excluding the primary school) shall not exceed:
- 1,000 square metres of A1 floor space with no single unit larger than 600 square metres,
 - 560 square metres of A3 floor space
 - 250 square metres of D1 floorspace

Reason: To ensure that the parameters of the development are clearly outlined, appropriate to the scale of the development and ensure no adverse impact on the surrounding retail centres.

- 10 Details in relation to the reserved matters 'layout' and 'external appearance' shall include details of parking of all motorised and non-motorised vehicles include secure cycle parking and cycle shelters (where relevant). All public car parking shall be clearly demarcated on the ground. The development shall be implemented in accordance with the approved details and no dwelling or building shall be occupied until the approved parking facilities serving it have been provided. The approved parking shall be retained thereafter in the approved form for the parking of vehicles.

Reason: To ensure that adequate parking provision for various modes of transport are provided within the site to ensure parking does not interfere with the safe and free flow of traffic within the site.

- 11 Details in relation to the reserved matters 'layout' and 'external appearance' for phase 0 (zero) shall include details of bus stops, bus shelters and street furniture. The development shall be implemented in accordance with the approved details and the infrastructure / equipment referred to above shall be installed prior to the spine street in front of it being used beneficially (other than for construction activities).

Reason: To ensure adequate provision is provided for facilities for public transport to promote active travel, provide resting places for pedestrians.

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- 12 No development (except the strategic accesses) approved by this permission shall commence until a scheme for the site-wide intrusive site investigations for shallow coal workings and mine entries has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for site investigations shall be undertaken in accordance with the approved details prior to the submission of any reserved matters application.

Reason: To ensure 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.

- 13 Any Reserved Matters applications relating to each phase of the development shall be accompanied by a Phase-Specific Report (if required for that phase) covering shallow coal workings and mine entries undertaken in accordance with the approved scheme of intrusive site investigations required by condition 12. The Report shall be accompanied by:
- o a layout plan (at appropriate scale) which identifies appropriate zones of influence for the mine entries on site;
 - o the definition of suitable 'no-build' zones;
 - o a scheme for remedial works for the treatment of mine entries; and
 - o a scheme for remedial works for shallow coal workings.

The remedial works for coal-mining shall be undertaken in accordance with the approved details prior to the commencement of development on that phase.

Reason: To ensure 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.

- 14 Prior to commencement of development on each phase, a detailed scheme for the eradication of Invasive Non-Native Species for that phase shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the commencement of work on that phase.

Reason: In the interests of the ecology and amenity of the area.

- 15 No development approved by this permission shall commence until a site-wide scheme to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. The site-wide scheme shall include the following:

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.

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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: Controlled waters at this site are of high environmental sensitivity and contamination is known/ strongly suspected at the site due to its previous use as a landfill and potential unpermitted waste deposits.

- 16 Prior to occupation of any part of a phase of development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy for that phase and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. 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, along with an implementation timetable for the submission of results from the long term monitoring and maintenance plan.

Reasons: 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.

- 17 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 and the approved timetable. 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.

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- 18 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 within that phase until a detailed strategy for dealing with said contamination has been submitted to, and approved in writing by the Local Planning Authority.

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

- 19 No development (except the strategic accesses) approved by this permission shall commence until a detailed overarching, site-wide Strategic Green Infrastructure Plan, securing all wildlife corridors, ecological buffers and connectivity across the site, has been submitted to and approved in writing by the Local Planning Authority. Any subsequent phase-specific Green Infrastructure Plans required by condition 20 shall be in accordance with this Strategic Green Infrastructure Plan.

Reason: To ensure that the green infrastructure is considered at a site-wide level in accordance with the Design and Access Statement and the Environmental Statement.

- 20 Any Reserved Matters applications relating to each phase of the development shall be accompanied by a Phase-Specific Green Infrastructure Plan for that phase of development which is in accordance with the approved Strategic Green Infrastructure Plan. The development of that phase shall thereafter be carried out in accordance with the approved plan.

Reason: To ensure that the green infrastructure is considered at a site-wide level in accordance with the Design and Access Statement and the Environmental Statement.

- 21 No development within Phase 2e approved by this permission shall be commenced until a mitigation strategy for Marsh Fritillary butterfly has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include timescales for its implementation and shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the habitat for Marsh Fritillary Butterfly.

- 22 Any reserved matters application relating to each phase of the development shall be accompanied by a Landscape and Ecological Management Plan (LEMP) relating to that phase of development for the written approval of the Local Planning Authority. The LEMP shall thereafter be implemented in strict accordance with the approved details and timescales. The content of the LEMP shall include the following (where relevant to that phase):

- o The ecological management prescriptions for defined management compartments to be retained and/or created, including: woodland blocks, trees, hedgerows, grassland and scrub habitats, watercourses, sustainable drainage features and nest/roost box features;
- o Detailed lighting plan and implementation timetable for that phase, ensuring dark corridors of habitat are retained across the site

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- o The inclusion of a specific SINC management plan aimed at ensuring the appropriate conservation management over the long-term of those habitats within Portmead Common SINC which overlap with the Application Site, in line with existing conservation objectives to include details of measures to restrict public access where necessary;
- o The management and maintenance of any signage and interpretation boards and footpaths created through sensitive habitats to be retained;
- o The monitoring of biophysical changes to sensitive habitats including: management of sedimentation, water quality and water flow of sustainable drainage and hydrological features retained and created on site; terrestrial succession and scrub encroachment within areas of open space; control and spread of invasive species; and the management of recreational impacts including littering, erosion and damage, with identified remedial measures to address any significant issues;
- o Monitoring of any translocated reptile population as necessary;
- o Details of the management of the Ecological Reserve and Mitigation Area including timescales for implementation;
- o The monitoring of nest/roost boxes and other bat roosting features incorporated on site where necessary and/or in accordance with planning conditions and derogation licence(s) where applicable; and
- o Any additional monitoring requirements of species and habitats where required/identified.

Reason: In the interests of managing and maintaining the landscape and ecological features of the site.

23 Any reserved matters application relating to each phase of the development shall be accompanied by a Construction Environmental Management Plan (CEMP) relating to that phase of development, detailing all necessary pollution prevention measures for the construction phase of the development, for the written approval of the Local Planning Authority. The development of that phase shall thereafter be implemented in strict accordance with the approved CEMP. The CEMP for each phase shall identify (where relevant to that phase):

- o the parking of vehicles of site operatives and visitors;
- o details of the storage, loading and unloading of plant, machinery and materials (including any oils, fuels and chemicals), the location of any construction compound(s) and any temporary facilities for construction/ sales staff);
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel washing facilities;
- o measures to control the emission of dust and dirt during demolition and construction;
- o detailed lighting plan (to include security lighting) during the construction of that phase to ensure dark corridors of habitat are maintained across the site;
- o Pre-commencement surveys of the phase application site of: trees with bat roost potential; presence of new badger setts; and re-assessment of any material changes to other suitable habitats onsite for other wildlife including dormice, otter, breeding birds and reptiles;

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- o Measures to physically protect retained habitats and aquatic features to include specifications for protective fencing and signage, together with the identification of responsibilities for maintaining this fencing/signage during the demolition and construction period. Valued habitats retained within the development site should be suitably offset by appropriate habitat buffers, including buffers of no less than 10m adjacent to the edge of woodland habitat and 8m applied to watercourses, with appropriate buffers (typically 2-5m or in line with the calculated root protection area, as determined by an arborist) also provided adjacent to tree lines and hedgerows), to be protected through the establishment of Ecological Protection Zones (EPZs);
- o Precautionary working measures for bats, particularly with respect to tree and building works and effects upon potential bat roosts (which may or may not require implementation under licence);
- o A reptile mitigation strategy for the relocation and protection of reptiles potentially present within the construction footprint, together with the creation of new refugia and hibernacula within retained habitats where necessary;
- o Precautionary working measures with respect to badger and breeding birds, their nests, eggs and young, with respect to vegetation clearance;
- o Measures regarding new planting areas, nest box/roosting features to be provided and sustainable drainage features, with respect to their locations, establishment and care;
- o A timetable of all key tasks to be undertaken as part of pre-construction and construction works taking into account all species and habitat sensitivities
- o Pollution prevention measures to include surface water management, the location of any water features on sites and details for their protection and crossing (if applicable)
- o Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site to prevent adverse changes to water quality and flow of aquatic features.
- o Details of the nature, type and quantity of materials to be imported on to the site.
- o Measures for dealing with any contaminated material (demolition waste or excavated waste).
- o Details on waste types that will be produced and how they will be managed.
- o Identification of any buried services, such as foul sewers, so that they are protected.
- o A complaints procedure and community liaison point of contact
- o Details of emergency contacts, for example Natural Resources Wales' Pollution hotline: 0300 065 3000.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources and ecology.

- 24 Any reserved matters application shall be accompanied by a scheme for the disposal of foul water for that site and no development of that reserved matter site shall commence until the Local Planning Authority has approved said scheme in writing.

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With the exception of the 150 units that will communicate with the public sewer at or downstream of manhole SS64988101 and the 198 units that will communicate with the public sewer at or downstream of manhole SS64977202, the scheme shall demonstrate:

A point of connection on the public sewerage system identified by a hydraulic modelling assessment to accommodate the balance of the remaining dwellings and provide details of any previously approved schemes for the strategic site. Thereafter the connection shall be made in accordance with the recommended connection options following the implementation of any necessary improvements to the sewerage network as may be identified by the hydraulic modelling assessment.

The scheme shall be implemented in accordance with the approved details prior to the communication of any flows with the public sewer network for that phase and shall be retained for the lifetime of the development.

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

- 25 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 (including cross-sections) 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 fully in accordance with the approved details and in accordance with the phased drainage operations, prior to occupation of any dwellings.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network unless it has been demonstrated that there are no other options available.

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.

- 26 Any reserved matters application relating to each phase of the development shall be accompanied by 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 pursuant to condition 25.

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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.

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.

- 27 Any reserved matters application site that has foul flows connecting to the Gowerton WWTW (as per condition 24) shall be accompanied by a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed phase and no development of that phase shall commence until the Local Planning Authority has approved said scheme in writing. Thereafter no dwelling within that phase shall be occupied until the approved surface water removal strategy has been completed in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

Reason: To ensure appropriate foul flows are removed from the system before surface water can be added to protect the water environment.

- 28 No construction of any dwellings shall take place until a potable water scheme to serve the site and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the approved scheme shall be constructed in accordance with the approved timetable and remain as approved for the lifetime of the development.

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

- 29 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

- 30 Any reserved matters application relating to a phase of development, shall be accompanied by a detailed Arboricultural Impact Assessment and Tree Protection Plan (including associated Arboricultural Method Statement) in accordance with BS5837:2012 (or any updated version) clearly indicating the trees to be retained/ removed and what impacts the proposed development has on the trees within that phase of development.

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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 and Tree Protection Plan. Thereafter, development in that phase of development shall be undertaken in strict accordance with the approved details.

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.

- 31 Prior to commencement of development on each phase, all of the trees and hedgerow shown on the Masterplan and Land Use Parameters plans listed in condition 6 as "to be retained" and/or any trees whose canopies overhang the site shall be protected by 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.

- 32 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 kept available for the parking of motor vehicles at all times and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 33 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 that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 34 Notwithstanding the provisions of Class F (a) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), no hardstanding's shall be constructed/ provided forward of the principal elevation of the building line without the express permission of the Local Planning Authority.

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Reason: In the interests of visual amenity to ensure landscaping is retained and ensure front gardens are not dominated by vehicle parking.

- 35 No development on Phase 2e shall commenced until full details of an Ultra-Low Charging Vehicle, to include timeframe for implementation, has been submitted to, and approved in writing by the Local Planning Authority. The development of this phase shall thereafter be undertaken in accordance with the approved details.

Reason: To encourage the use of low emission vehicles and improve local air quality.

- 36 The footpath link from the new school to the site boundary (to link in with the existing school premises to the east) shall be completed prior to the first beneficial occupation of any of the units in Phase 2e in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a footpath link is provided to the edge of the site to provide access to the secondary school in the interests of sustainable development.

- 37 The development hereby permitted shall be undertaken in accordance with the recommendations outlined in Paragraph 5.64 of the Planning Statement submitted by Geraint John Planning, dated August 2017.

Reason: To ensure the impact of the development on the Welsh language is considered in the development, marketing and place names of the proposal.

- 38 No development in phases 4b and 5a shall commence until a detailed strategy for the re-use of the farm buildings on site within that phase of development has been submitted to and approved in writing, to include a timetable for implementation. The development of that phase shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the retained farm buildings are used and incorporated into the development in a timely manner in the interests if sustainability.

- 39 Prior to the first beneficial use of any of the buildings within each phase of the development, full details of the proposed arrangements for future management and maintenance of the proposed streets within that phase of development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

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

- 40 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.

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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.

- 41 Prior to the first beneficial use of the Class A3 unit 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 for that building. 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.

- 42 No development on Phase 2e shall be undertaken until a scheme for the secure covered storage of bicycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the school/ commercial units and shall be retained as such thereafter for the lifetime of the development.

Reason: In the interests of providing facilities for sustainable transport.

- 43 The Class A1 and D1 units hereby permitted 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 and bank holidays.

Reason: To protect the amenities of the occupiers of nearby residential premises.

- 44 The Class A3 premises hereby permitted shall not be open to customers/visitors outside the hours of 09.00 to 23.30hrs on any day of the week.

Reason: To protect the amenities of the occupiers of nearby residential premises.

- 45 The reserved matters application relating Phase 2e shall be accompanied by details of facilities for the loading and unloading of vehicles serving the A1-A3 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 units or school buildings shall be occupied until the approved servicing / loading / unloading facilities for that unit 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.

- 46 Any reserved matters application relating to a phase of development, shall be accompanied by a Public Art Strategy to include a scheme, maintenance and a timetable for the provision of public art on that reserved matters site.

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The development shall thereafter be implemented in accordance with the approved details and timetable and maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of creating a quality and legible built environment.

- 47 Any reserved matters application relating to a phase of development, shall be accompanied by a Landscaping Implementation Timetable and Management Plan for that phase of development. All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved Implementation Timetable 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 current planting season or the first two months of the next planting season, whichever is the sooner, with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be managed in accordance with the approved Management Plan.

Reason: To safeguard landscape and amenity interests and ensure the develop.

- 48 Prior to the first beneficial occupation of any of the approved dwellings, a site-wide Residential Travel Plan for the residential properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling and include full details of an ongoing review mechanism until all of the phases have been developed. 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 to the residential properties.

- 49 Prior to the first beneficial occupation of the school hereby permitted, a School Travel Plan for the residential properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling and include full details of an ongoing review mechanism. The approved Travel Plan shall be implemented upon the first occupation of the school hereby approved.

Reason: In the interests of promoting sustainable modes of movement for the school.

- 50 Prior to the first beneficial occupation of each commercial unit, a Travel Plan for that unit(s) 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 and include full details of an ongoing review mechanism. The approved Travel Plan shall be implemented upon the first occupation of the commercial building that it refers to.

Reason: In the interests of promoting sustainable modes of movement for the commercial unit.

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- 51 The development shall be carried out in accordance with the Recommendations contained in Section 6.5 of the Ecological Update Note prepared by EDP (reference: edp2708_r011c_061118) received on the 5th December 2018.

Reason: To ensure that bats are not impacted during the felling of this tree.

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, EV20, EV22, EV23, EV24, EV25, EV29, EV30, EV33, EV34, EV35, HC3, HC17, EC4, EC6, EC9, AS1, AS2, AS6 and R2.

- 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 /b Informative Note

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

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

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

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Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any 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

4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

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

5 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

6 The applicant is advised that the northern and southern strategic accesses will require a S278 agreement. 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 or telephone 01792 636091.

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

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

- 8 Please note that SAB (SuDS Approval Body) approval will be required if planning permission is granted subject to a condition that requires reserved matters to be submitted, and a valid application for approval of the reserved matter is not made before 7th January 2020 (with the exception of single dwellings and developments with a construction area of less than 100 square metres). This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: water@gov.wales
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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 - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (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 - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (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 - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (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)

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Application Number:

2018/1932/FUL

Site History

App Number	Proposal	Status	Decision Date
2018/1932/FUL	Demolition of existing buildings and re-development of site to provide 31 residential units as associated works	PDE	

RESPONSE TO CONSULTATIONS

The application was advertised in the press and on site and ten individual properties were consulted. No response.

Pontarddulais Town Council - The Council wishes to object to the above planning application on the following grounds:

1. Inadequate access to site via Cambrian Place which is a relatively narrow road off St Teilo Street.
2. St Teilo Street is already congested with traffic and further vehicles accessing the road will lead to further traffic problems. At certain times of the day the main street is gridlocked with traffic backing up from the junction of Tidal Reach at one end of the town to the King Hotel at the other end of the town;
3. The Council is opposed to any further large scale housing development in Pontarddulais – the current infrastructure cannot manage with the existing level of development. The local surgery is at breaking point and the schools are under pressure from development that has been undertaken in the last fifteen years in Pontarddulais;
4. The Council is fearful of possible future housing development proposed under the LDP and any additional building will only exacerbate the situation.

CADW – No comments to make.

DWR CYMRU/WELSH WATER - we can provide the following comments in respect to the proposed development.

SEWERAGE

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

We acknowledge that our representation (Ref: PPA0003286) is included at Appendix 8 of the accompanying Pre-Application Consultation (PAC) Report and in response the applicants refer to dialogue between CD Gray and DCWW (Table 4.2). We can confirm positive discussions with CD Gray regarding the 'Proposed Drainage Layout' (Drawing No. SK02 Rev P6) and, having investigated the status of the local sewerage network, we would advise that the proposed point of connection would in fact communicate to a private surface water sewer.

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This is consistent with historic correspondences included at Appendix 3 and, notwithstanding public sewer records enclosed with our pre-application response (Ref: PPA0003286), we would advise that this is not a foul water public sewer. As such, given that the proposals do not entail communication of surface water flows to the public sewerage system, we would advise that "DCWW Approval" (Drawing No. SK02 Rev P6) is not required for the surface water drainage proposals in this instance. In addition, we acknowledge receipt of the 'Proposed Site Layout' (Drawing No. TP-01 Rev B) which indicates the proposed development would appear to be situated outside the protection zone of this sewer.

Notwithstanding the above, given that surface water flows would communicate to a private surface water sewer, we would request that the following Condition and Advisory Notes are included if minded to grant planning consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

Advisory Notes

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

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

SEWAGE TREATMENT

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

WATER SUPPLY

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

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NATURAL RESOURCES WALES - We recommend that you should only grant planning permission if you attach the following conditions in relation to: land contaminated and pollution prevention. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission.

Geoscience / Land Contamination

We note the submission of the documents entitled;

- • 'Cambrian Yard, Pontarddulais Proposed Residential Development: Geo-Environmental Assessment (Ref: ESP.6383b.02.3010 Rev1)', dated June 2018, by Earth Science Partnership Ltd, and
- • Cambrian Yard, Pontarddulais Proposed Residential Development: Outline Assessment of Settlements (Ref: ESP.6383b.3039 Rev1)', dated August 2018, by Earth Science Partnership Ltd

From the information currently available, we note that the site is brownfield and has a history of contaminative uses, including a foundry, a transport depot and a scrap yard. This suggests that the site is of high sensitivity and has the potential for contamination to be present, as a result of its previous uses.

Having reviewed both the above reports it appears that only limited sampling has been carried out through the middle of the proposed development area, with none for groundwater, and the majority of samples being taken from the periphery of the site.

Therefore, in conjunction with groundwater sampling, we also advise that further sampling be undertaken to characterise the interior of the site.

We agree with the recommendations laid down in the Cambrian Yard, Pontarddulais Proposed Residential Development: Outline Assessment of Settlements report; that further groundwater sampling should be undertaken. The leachate tests which have been completed were carried out in accordance with the NRA leaching test, which have now been superseded by BS EN:12477, as listed in Remedial Targets Methodology.

Furthermore, we recommend that the applicant's consultants look at the Metals Bioavailability Tool (MBAT) for details as to bioavailability of heavy metals. The findings from the further investigation work, should also be used to inform the proposed drainage strategy for the site, particularly, with regards to land contamination on the site.

Therefore, based on the information currently available we recommend the following suite of conditions.

Preliminary Risk Assessment

Condition: 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:
 - * all previous uses
 - * potential contaminants associated with those uses

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- * a conceptual model of the site indicating sources, pathways and receptors
- * 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.

Reasons: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses.

Verification Report

Condition: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include 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.

Reasons: 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.

Long-term monitoring

Condition: 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.

Reasons: 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.

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Unsuspected contamination

Condition: 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.

Reasons: 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.

SUDS

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Piling

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Waste on site

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the: CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Pollution Prevention

We advise that any future planning application should be accompanied by a detailed Construction Environmental Management Plan (CEMP). This should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments.

Therefore, we would advise that the following condition is included on any planning permission that the Local Planning Authority (LPA) may be minded to granted.

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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.

Protected Sites

The development site is located a short distance from drains and watercourses, which are hydrologically connected to the Burry Inlet and Loughor Estuary (SSSI), which is part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC). Regulation 61 of the Conservation of Habitats and Species Regulations 2017 requires the Local Authority, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

Therefore, your Authority must satisfy itself that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

Protected Species

We note the submission of the document entitled; 'Preliminary Ecological Assessment and Bat Survey at Cambrian Yard Pontarddulais (Ref: HE/36/2017)', dated December 2017, by Hawkeswood Ecology.

The bat survey submitted in support of the above application has identified that bats were not using the application site. Therefore, we have no further comments to make in relation to European protected species and this proposal.

We note the recommendations laid down in Section 8 of the above report and advise that these should be discussed with your Authority's Planning Ecologist.

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Flood Risk

The proposed development, which would involve the construction of 31 residential dwellings, is classed as 'highly vulnerable' development according to TAN15. The site is located partly within Zone B of the Development Advice Map and borders Zone C2.

Following previous discussions with members of our Flood Risk Analysis Team, we note that a document entitled; 'Technical Note – Flood Risk Appreciation Statement (Ref. CDGA-9190-TN1-PO)', dated 13/07/18 has been prepared by CD Gray & Associates Ltd, in support of this application.

The technical note correctly states that NRW are currently in the process of updating our hydraulic model in this area. Although the final results of this work will not be available until early next year, we are confident that the new outputs will only show a decrease in flood risk to this particular site.

However, the access and egress to the site is shown to be within the 1% (1 in 100-year Annual Event Probability AEP) and the 0.1% (1 in 1000-year AEP) scenarios. Whilst the depths indicated on page four of the Technical Note comply with Table A1.15, the velocities do not. We would advise that the hazard ratings assigned for the two scenarios are correct. It will be for your Authority to determine whether the risk to the access is acceptable.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

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.

Glamorgan Gwent Archaeological Trust Limited - The proposal will require mitigation.

The application area is the site of the Cambria tinplate works, which opened in 1874 as the Cambrian Co-operative and Industrial Iron and Tinplate Company Ltd. Cambria works was one of a number of tinplate works that operated in the area. It grew to operate three mills, and was bought by Bryngwyn Steel to ensure a ready tinplate supply in the post-McKinley slump.

Post World War I the Grovesend company bought Gorseinon, Cambria and Bryngwyn groups, and these continued until the mid 20th century. Historic OS mapping of 1898 shows the works covering a larger area than the extant buildings, as well as nearby supporting industries such as the foundry and gas works. It is believed that the remaining buildings incorporate elements of the original buildings. The impact of the development will include the demolition of the buildings, as well as on any buried archaeological resource.

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In commenting on the pre-planning application for development at this site, the impact on the remaining structures and the buried archaeological resource was identified. Field evaluation was considered, as it is our experience that industrial sites believed to have been demolished retain complex buried features with a high degree of integrity. However, contamination levels were a consideration and it is our recommendation that the impact on the buried archaeological resource and remaining buildings can be addressed by condition.

Therefore in order to mitigate the impact of these changes, it is our opinion two conditions should be attached to any consent granted, to ensure appropriate mitigation.

Firstly, for the implementation of a programme of historic building recording, prior to any works commencing; the level of this is appropriate to the development and will ensure that no detail of their current form and use will be lost, and any elements of the original buildings identified. It is our opinion that the appropriate recording level would be a Level 3 survey as set out in "Understanding Historic Buildings: A Guide to Good Recording Practice", Historic England, 2016 in order to provide a comprehensive written, drawn and photographed record of the remaining buildings prior to their demolition, by virtue of their value to the community and the historic association with the tinsplate industry in the area. We therefore recommend that a condition should be attached to any consent to ensure appropriate mitigation is undertaken.

The condition relates to the historic nature of the buildings, and as such will need to be undertaken prior to development commencing, thereby ensuring that the structure is fully recorded prior to the development commencing. We envisage this survey to be undertaken to a Level 3 standard (Historic England 2016, further information from <http://www.english-heritage.org.uk/publications/understanding-historicbuildings/understandinghistoricbuildings1.pdf>). The reasoning in support of this is that it will provide a record both written and illustrated and thereby allow an understanding of the nature and history of the tinsplate industry in this location. The recording methodology should include a measured scale in the photographs, scaled plans and a directional plan to meet best practice for deposition in the Historic Environment Record.

The completed record should then be deposited in a suitable repository such as the West Glamorgan Archives as well as the Historic Environment Record so that it can be accessed by future historians.

To ensure that work is carried out in a suitable manner, we therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. This condition is worded:-

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

The justification for the imposition of the condition would therefore be:

Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate impact.

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Secondly, a condition for the submission and implementation of a programme of work in accordance with a written scheme of investigation. We envisage that this programme of work could include an archaeological watching brief during any ground disturbing work, also 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.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

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

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

We also recommend that a note should be attached to the planning consent explaining that:

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. The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA) appropriate Standard and Guidance (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicrm-contact-distance-search>) or an MCIfA level accredited Member.

Knotweed Officer - 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, acceptable to myself, for the control of the plant.

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

1. Planning Application: 2018/1932/FUL Land at Cambrian Yard, Cambrian Place, Pontarddulais, Swansea SA4 8TB – Demolition of existing buildings and re-development of site to provide 31 residential units and associated works, comprising of 10 x 3 bed houses, 13 x 2 bed houses and 8 x 1 bed apartments.

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Position of capacity:

Primary:

English-medium: the English medium primary (Pontarddulais) currently has 6.35% surplus capacity, however this is expected to reduce significantly by September 2024 to 1.41% surplus capacity.

Welsh-medium: the Welsh medium primary (YGG Bryniago) currently has 9.46% surplus capacity, however this is expected to reduce significantly by September 2024 to 3.15% surplus capacity.

Secondary:

English-medium: the English medium secondary school (Pontarddulais Comp) currently has 3.25% surplus capacity, this is expected to reduce further to 2.00% surplus capacity by September 2024.

Welsh-medium: the Welsh medium secondary school (YG Gwyr) based on 2018 figures had 11.48% surplus capacity; however, by September 2024 it is expected to be over capacity by -16.97%. In addition, there are a large number of developments that have successfully obtained planning approval that will further exacerbate the situation; that and the impact of LDP will further increase the pressure for places at the school.

Requested Contribution:

Primary: the full generated amount £51,860.00 plus indexation towards Pontarddulais Primary and the full generated amount £20,744 plus indexation towards YGG Bryniago.

Secondary: the full generated amount of £63,392.00 plus indexation towards Pontarddulais comprehensive. Although there is a deficiency in spaces available at YG Gwyr there are insufficient funds from any impact on pupil numbers to support any infrastructure to provide additional places, therefore on this occasion, there is no request for a contribution for YG Gwyr from this development.

HOUSING ENABLING - For the purpose of the Section 106 the Housing Service would expect to see 15% of the site conditioned to remain affordable in perpetuity in line with the proposed LDP.

PLACEMAKING AND HERITAGE OFFICER - I have now looked at the application information and have the following comments to make:

This is a brownfield site in an accessible location within a short walking and cycling distance to Pontarddulais town centre. The proposal makes good use of the site to provide new affordable homes. The layout ensures a clear distinction between public and private space. Front gardens are defined by railings and vehicles are not allowed to dominate the street scene by virtue of side drives. The layout ensures sufficient amenity separation to the existing properties in terms of overlooking, overshadowing and overbearing.

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The street and turning area would have a low speed and this will encourage/ allow community use of the space between the buildings. This is important for community cohesion and well-being without allowing vehicles to dominate.

The house types make no reference to local character but this is in the context of existing modern development that is not locally distinctive. The majority of the homes are proposed to be finished in brickwork with limited use of render to provide some variety.

Earlier versions of the layout tested the potential for a footpath link in the south west part of the site to provide pedestrian access to the Tesco foodstore; however this isn't possible due to land ownership and safety on the Tesco internal road. This is acceptable given the positive walking links to St Telio Street.

Therefore approval is recommended and no placemaking conditions are required.

Highways Observations - 2018/1932/FUL | Demolition of existing buildings and re-development of site to provide 31 residential units as associated works | Land At Cambrian Yard Cambrian Place Pontarddulais Swansea SA4 8TB

1. Background information

The applicant sought pre app advice regarding this proposed development under planning reference 2017/0145/PRE. The highways comments made then were as follows:

'Land at the yard Cambrian Place Pontarddulais Swansea SA4 8RQ

Erection of up to 32 dwellings with associated access works. Some supporting information has been provided to accompany this pre-app enquiry. The sketch layout shows that it ties into the adopted highway of Cambrian Place. The site has been considered previously under the LDP Consultation process as part of plot PT020. Comments made during that consultation were that access would need to be off the Tidal Reach Road which was built to facilitate access to the new Tesco superstore.

I have grave concerns over the use of Cambrian Place as the sole point of vehicular access due to concerns regarding restricted visibility at the junction of with St Teilo Street and also the right hand bend at the end of the existing terraced row of dwellings restricts forward visibility to such a degree that I consider is unsafe.

Based on the current details/layout I would not wish to support the application for residential at this location. If the applicant wishes to pursue the development anyway or wishes to show an alternative access arrangement then additional information will be required, namely:

1. A Transport Statement
2. Swept path tracking analysis to show that emergency vehicles/refuse vehicles can enter and leave the site in a forward gear.
3. Parking in accordance with the CCS Parking Standards
4. Details of the access showing that the required visibility splays can be achieved.
5. Details of either a private management company or the option to have the internal road adopted under a section 38 with the Highways Authority'.

Subsequently a PAC was received by the Highways Authority from Asbri Planning which showed the same access arrangement that had been considered previously in the pre-app. The comments that were reported back were as follows:

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On the basis of the existing access off Cambrian Place we would not wish to support the proposed development. The main points of concern is the lack of forward visibility at the end of Cambrian Place (where you would turn to get to the site) and the unsuitable nature of Cambrian Place to support any additional traffic movements. The visibility issue could maybe be overcome by possible use of signal controls, but the single width access on Cambrian Place (with no passing places) cannot be overcome as the parking on both sides (as currently exists) is the only parking that the residents have.

The only way that the site could be developed for residential use is with an access onto Tidal Reach (Tesco access).

Whilst the contents of the Transport Appraisal is noted we do not concur with the conclusion that less movements would be generated, particularly as the site has been disused for several years. It is also noted that indiscriminate parking (as has been referenced by CD Gray) would result in a HGV not being able to satisfactorily access the site, potentially with it getting stuck and blocking the road. I would suggest that a possible reason for the demise of the commercial use was the problematic access itself.

If you wish to pursue this application then the access off Cambrian Place would not be supported. In summary the principle of the use of Cambrian Place has always been resisted.

2. Current planning application

The current planning application again shows access off Cambrian Place despite the concerns that have been raised previously.

The applicant has engaged with a company CD Gray to produce an access and transport Appraisal to support the planning application and alleviate the Highways concerns. The only information that is different to that considered previously is the introduction of give way markings and build outs (option 1 and option 2 at the back of the transport document) to extend the end of Cambrian Place to improve the visibility. It is not considered that this in any way overcomes all the concerns that have been consistently raised.

The document seems to intimate that problems with the access (Cambrian Place) are caused in the main by indiscriminate parking. Whilst this locally may be an issue the more overriding concern is the single width access with lack of passing bays. The suggestion that the residents could use the parking area to the rear of the shops instead of parking outside their houses is not considered an appropriate solution. Comments made in section 3.3 relating the Highways comments on the PAC have missed the point and the sketch figure 3.3 shows an inadequate x distance which further reduces down the y visibility even more. In the PAC it was stated that signals at the blind bend at the end of Cambrian Place would resolve the lack of visibility but that still left the overriding issues regarding the inadequacy of Cambrian Place as a sole point of vehicular access.

Whilst the TRICS data is included to attempt to demonstrate a reduction in overall trips with the residential use I do not consider that this is a fair representation of this particular site given the severe constraints for access for anything larger than a standard car. The swept paths submitted show that if cars park within the existing road markings then a refuse vehicle can access the site with care. However the document has also reported that from local knowledge this is often not the case, leading to access not being available.

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3. Layout and parking

The layout internally is considered to be acceptable and the parking is appropriate given the location of the site. Subject to the footway being increased to 2m around the hammerhead (and swept paths being provided to show acceptable turning for refuse/emergency vehicles) then I consider that the layout would be suitable for adoption.

4. Conclusions

Whilst the transport document has provided a marginal improvement by way of mitigation measures to improve visibility at the end of Cambrian Place it has failed to address the main concern. I sympathise with the lack of options available to provide an alternative vehicular access due to land ownership issues but my overriding concerns relating to highway safety are sufficient to recommend refusal of this application.

5. Recommendations

I recommend that the application is refused on the grounds that access through Cambrian Place is unsuitable to support the proposed residential site due to the narrow nature of the road, and lack of passing availability, leading to obstruction being caused to the free-flow of traffic, to the detriment of highway safety.

APPRAISAL

Full planning permission is sought for the construction of 31 dwellings at the former Cambrian Yard, Pontarddulais. The development will consist of 100% affordable dwellings with a mixture of styles and designs.

There would be 10 x 3 bedroomed dwellings, 13 x 2 bedroomed dwellings and 8 x 1 bedroomed flats.

The application site is part of a much larger mixed use housing site (HC1 (112) that is allocated for residential development within the Swansea Unitary Development Plan.

The site has quite a limited planning history, the most recent being a planning application for a change of use from storage to metal fabrication and welding at Cambrian Yard which was refused - 2007/1353 refers. It was historically used for B1/B8 uses but has been unused for several years and is in an overgrown and disused state. However, the lawful use is considered to be extant and could be restarted at any time.

The site is located to the south-west of Cambrian Place, and is bounded to the north and the west by a Tesco Superstore and the associated car park, and to the south and the east by residential dwellings fronting onto Llys Morfa and Cambrian Place respectively, a sheltered housing complex and a Council run car park, all accessed from Cambrian Place.

The dwellings would measure approximately 10m -11m deep, each house approximately 5.5m in width, have an eaves height of 4.9m and a maximum height of 8.7m. The flats would have the same eaves height but have a lower overall height at 7.9m. Each block would measure 8m x 8m and the 2 blocks on plots 28-31 would be joined with the flats on plots 26/27 by a single storey open ended link.

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The main issues to be considered therefore are the principle of the development, the impact of the proposal as submitted on the visual and residential amenities of the area, highway safety and the impacts of contaminated land, having regard to the requirements of Policies EV1, EV2, EV3, AS6, HC17, EV30, EV33, EV34, EV35, HC1 and HC3 of the City and County of Swansea's Unitary Development Plan 2008 and the adopted SPG entitled Residential Design Guide.

Policies EV1, EV2 and EV3 are overarching policies which refer to developments complying with good design criteria and layout with preference being given to developments being carried out on previously developed land and are accessible. These Policies also refer to any proposal not having any undue impact in terms of visual or residential amenity or highway safety. Policy AS6 refers to developments being assessed against maximum parking standards to ensure that the proposed scheme provide appropriate levels of car parking. Policy EV30 refers to the protection of trees, woodland and hedgerows on development sites. Policies EV33, EV34 and EV35 refer to the disposal of foul and surface water drainage having no impact upon controlled waters.

Policy HC1 refers to allocated housing site and the application site is allocated under HC1 (112). Policy HC3 refers to Affordable housing provision and HC17 refers to criteria for Planning obligations.

Planning Policy Update

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context.

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PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

Policy PS2 (Placemaking and Place Management)– development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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

The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

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ER11 (Trees, Hedgerows and Development) - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

EU2 (Renewable and Low Carbon Technology in New Development) - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

RP3 (Water pollution and the protection of Water Resources)- development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP4 (Avoidance of flood risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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

The above LDP policies are broadly consistent with the Policies within the UDP Framework and as such, the UDP Policies are the ones that will continue to apply to the consideration of this planning application.

Principle of the Development

The site is allocated within the UDP for Housing as part of a wider housing allocation (Site HC1 (112)). The principle of the development is therefore acceptable subject to there being no unacceptable impact on recognised planning objectives as set out in Policies EV1 and EV2.

Highway Safety

The application has been supported by an Access and Transport Appraisal which has been prepared to study the impact of the development on the surrounding highway network.

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Cambrian Place is accessed off St. Teilo Street which is the main road going through Pontarddulais. Access to the site will be gained off Cambrian Place on the north eastern corner of the site.

The appraisal indicates that the site previously operated 6 days a week as a scrapyards and let several units but operations ceased circa 2013 and the existing buildings have since been left vacant. These uses tie in with local authority records.

In terms of trip generation for the former use, the assessment has been undertaken using the TRICS database. This is a nationally accepted database, which provides an estimate of the number of generated person movements via all modes. The TRICS data does not specifically identify a scrapyards use so the assessment identified vehicle flows associated with industrial and warehouse uses.

The commercial warehousing element is predicted to have generated 17.76 2-way vehicle movements in the AM peak hour and 18.04 two way during the PM peak. This equates to approximately 1 vehicle either entering or leaving the site every 3 minutes. The industrial unit element is predicted to have generated between 25.6 2-way vehicle movements in the AM peak hour and 26.08 two way during the PM peak. This equates to one vehicle either entering or leaving the site every 2 1/4 minutes. Vehicle movements outside of the am and pm peaks would be lower.

The TRICS database predicts 125 total daily movements associated with the residential use, with a maximum of 12.865 2-way vehicle trips during the AM peak hour and 17.05 2-way vehicle movements in the PM peak. This equates to one vehicle either entering or leaving the site every 4.5 minutes during the am peak and one vehicle either entering or leaving the site every 3.5 minutes during the pm peak.

The above figures indicate that there would be a net impact of 5 less vehicular movements on the am peak and 1 less vehicular movement in the pm peak with regards to the warehousing use, with a net impact of 13 less vehicular movements in the am peak period and 9 less in the pm peak period compared to the industrial use.

In response to these figures, the Highway Authority has indicated that the TRICS figures are based on a site with good access and therefore the situation at the application would see less vehicles using the site. A request has been made for the Highway Authority to indicate the vehicle movements they consider would accurately reflect the lawful use of the site so that any objections can be evidenced, particularly if the application is refused. Any appeal would need to be evidenced to substantiate any reason for refusal. No figures have been forthcoming.

The applicant's agent has submitted a further statement to address the highway comments made:

"There is no mechanism within the TRICs database to filter sites out based on a quality of access criteria. That being said, it cannot filter sites in either and we would argue that the parameters we have used ensure a selection of sites which are comparable to the assessment site in terms of its overall location, scale and accessibility in accordance with industry best practice.

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The land owner has given a brief history of the site as follows;

* In the 1950's – 60's it was a slaughter house. Livestock vehicles and distribution vehicles.

* For the last 30 – 40 years it has operated as a scrapyards (6 days a week) and also let a number of units; welders and coal merchants

As stated in the Access and Transport Appraisal, the proposed development is anticipated to generate fewer trips than that of the existing land use with forecasted 13 and 17 traffic movements during the AM and PM peak hours respectively. Vehicular tracking has been provided within the report which demonstrates the swept path of a larger vehicle making this movement and we would argue that the vehicle movements associated with the proposed residential application would be considerably smaller than those of the extant land use and therefore considered more suitable to the existing access arrangement on Cambrian Place”.

As part of the proposal, the applicant has indicated the introduction of give way markings and build outs on Cambrian Place where it turns right towards the site entrance to improve visibility. Should the application be approved, it is considered these improvements should be conditioned. It is also noted that the site lies within a sustainable walking distance area with a post office, playground, church and public house within 700m, a medical centre and community centre within 300m and Pontarddulais primary school within 0.7km. The site is also served by local bus services with bus stops approximately 300m to the north and south of the site.

On the basis of the evidence available, it is considered that the proposed use will not generate additional traffic over and above the lawful use of the premises. Notwithstanding the objections from the Highways officer, no evidence has been produced to counteract the evidence submitted by the applicant's agent. The key issue therefore is whether the proposed use would have a greater adverse impact on highways safety than the lawful use. On balance, it is considered that the proposal would not have a significant detrimental impact on highway safety over and above that from the lawful use at the site, which could start up again at any time and is the current fall-back position for the site.

Visual Amenity

Turning to visual amenity, the house types make no reference to local character but this is in the context of existing modern development that is not locally distinctive. The majority of the homes are proposed to be finished in brickwork with limited use of render to provide some variety.

Concerns raised at pre-application stage in relation to the layout of the houses and the frontage parking have been addressed. Parking is now to the side of properties with ample room for landscaping to improve the appearance of the streetscene. The layout of the site ensures the scheme would not result in an overdevelopment of the site or a cramped form of development. The Placemaking and Heritage Officer has raised no objection to the proposal or requested any conditions. The proposal is therefore considered to comply with Policies EV1 and EV2.

Residential Amenity

With regards to residential amenity, the proposed layout of the site respects the recognised distances between dwellings to ensure that future occupiers will not experience direct overlooking resulting in loss of privacy, loss of light or overbearing physical impact.

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The internal arrangements of the dwellings allows for an adequate living space that complies with acceptable space standards. The distance to the dwellings in Llys Morfa exceeds the minimum acceptable distance between dwellings at between 21.5m and 24m. The distance between the rear of the flats on plots 26-31 and the Robert Davies sheltered accommodation in Trinity Close measures approximately 17m between facing elevations but the first floor only has an obscure glazed en suite window in an otherwise blank elevation at this distance which prevents any direct overlooking. There are first floor habitable room windows in the rear elevation of the first floor flat at plot 29 but these are further away from the sheltered accommodation units to the rear and thus would not result in loss of privacy. The site is also located to the north of the properties in Llys Morfa and Trinity Place and as such there would be no impact in terms of loss of light or overshadowing.

It is considered therefore that the proposed development is acceptable in terms of the impact on the residential amenity of the occupiers of existing residential properties and future occupiers of the proposed development.

Natural Heritage

The Tree report submitted with the application indicates that apart from all the trees on the site would be felled apart from one. The trees indicated are not protected or have any great amenity value. However, the applicant has submitted a landscaping plan which indicates that some new trees will be planted within the first planning season after the scheme is completed on the site to mitigate those that are lost. It is recommended that a condition be imposed to this effect to ensure that this is carried out.

Drainage

It is proposed to connect to a private surface water sewer and the waste water treatment works is not envisaged to have any problems with treating domestic discharges from this site. The Drainage officer has queried whether the private sewer is suitable to serve the development. It is considered this can be conditioned as part of any approval.

The site lies within the Burry Inlet Catchment area. Consequently, a Habitat Regulations assessment of the development has to be undertaken.

Burry Inlet Habitat Regulations Assessment

Introduction

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.

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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.

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, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

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.

CONCLUSION

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).

Education

The Education Section has requested a contribution of £51,860 plus indexation for the English medium primary school (Pontarddulais), £20,744.00 plus indexation for the Welsh medium primary school (YGG Bryniago) and £63,392 plus indexation for the English medium Secondary school (Pontarddulais).

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However, the figures provided by Education indicate that the proposal would not exceed the current capacity of spaces at any of the three schools nor the capacity for 2024. To this end, and taking into account the CIL Regulations which set out the tests for contributions, it would be unreasonable to request that a contribution is made.

Affordable Housing

The Council's policy currently requires 30% of dwellings to be affordable. However, the evidence base for the LDP indicates that this is likely to be lowered. Until the binding Inspector's report is published, this figure cannot be confirmed. Consequently, it is recommended the negotiations on the S106 agreement start off with a requirement to provide 30% affordable housing but if the Inspector's report alters the requirement, the S106 agreement proceeds on the basis of the % outlined in the Inspector's report.

Other Issues

The issues raised by Natural Resources Wales with regards to contamination is noted and it is recommended that the suggested conditions are imposed. The applicant is already aware of potential contamination issues at the site as it is listed as a Constraint to development within their Design and Access Statement. In addition, it is also recommended that the condition recommended by Glamorgan Gwent Archaeological Trust is imposed to ensure that any archaeological features are identified and recorded. Again the applicant is aware of these requirements.

Response to consultations

In terms of the comments from the Town Council, the issues raised with regards to traffic generation are discussed in detail above. The concern regarding infrastructure is noted but this is taken into consideration and addressed via appropriate Section 106 contributions to ensure that any development can be accommodated. It is recognised that there is no contribution for doctor's surgeries but these are run by private individuals and it is for the individual practices to manage any additional patients.

Planning Balance

The redevelopment of the site for residential purposes would remove a non-conforming use from this mainly residential area and thus result in an improvement in the residential amenity of occupiers of the area in terms of unacceptable noise and disturbance and also in the visual amenity of the area. In addition, the site also offers affordable housing which will be secured through the signing of a s106 agreement.

Conversely, the Highway Authority has raised objection to the proposal on the grounds of inadequate access. Whilst these concerns are acknowledged, in the absence of evidence to counteract that submitted with the application, it is considered that the benefits of the scheme outweigh the highway concerns.

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Conclusion

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

In conclusion, and having regards to all material planning considerations, including the Human Rights Act, the proposal is, on balance, considered an acceptable form of development at this location that would not unduly impact upon the residential amenities of surrounding properties and will improve the impact in terms of vehicular movements and residential amenities by removing a non-conforming use at the site. Approval is therefore recommended subject to the signing of a Section 106 agreement to secure the provision of affordable housing and the required conditions.

RECOMMENDATION:

APPROVE subject to the applicant entering into a S106 agreement that 30% of the dwellings (or a % equal to the Council's policy at the time of signing) be retained as affordable housing in perpetuity and 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: junction option 1 white lining, landscape specification and management plan, 3 x elevation plans, 5 x enclosure details plan, CDGA-919--SK12 junction 2 new kerb line, CDGA-9190-REP01-R2 drainage strategy, EW-01 REV A external works layout, HE/36/2017 preliminary ecological assessment and bat survey, SK-04 P3 proposed access general arrangement, SS01 rev A street scenes and cross sections, TDA.2400.01 detailed soft landscape proposals, TDA.2400.02 trees in soft landscape areas received 5th September 2018, 1645-BS-01 bin store, 1645-D01 external details 1800mm close board fencing, 1645-D03 close board gates, 1645-D04 ball top railings, 1645-D05 2100mm close board fencing, FL-10(4800) plots 26-31 proposed floor plans, FL-11(4800) plots 26-31 proposed elevations received 6th September 2018, 1645-EW01 REV B external works, 1645-HF-01 REV B house finishes, 1645-LP01 REV B site location plan, 1645-SHED01 timber shed, 1645-TPO1 REV B proposed site layout, HT-01 REV A plots 1 and 2, HT-02 REV A plots 3 and 4, HT-03 REV A plots 5 and 6, HT-04 REV A plots 7 and 8, HT-05 REV A plots 9, 10, 22,23, HT-06 REV A plots 11 and 12, HT-07 REV A plots 13 and 14, HT-08 REV A plots 15 and 16, HT-09 REV A plot 17, HT-10 REV A plots 18 and 19, HT-11 REV A plots 20 and 21, HT-12 REV A plots 24 and 25 received 24th September 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate impact.
- 4 No development shall take place until 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.
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.
- 5 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 6 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.
- 7 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:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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.

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Reasons: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses.

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

Reasons: 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.

- 9 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.

Reasons: 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.

- 10 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.

Reasons: 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.

- 11 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

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- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling

- 13 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.

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 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.

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

- 14 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

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

- 15 No development shall take place until improvements to the right turn junction at the southern end of Cambrian Place have been undertaken in accordance with either option 1 or option 2 of the Access and Transport Appraisal dated July 2018.

Reason: To ensure adequate visibility in the interests of highway safety.

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, AS1, AS6, EV33, EV34, EV35, EV30, HC17, HC1.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 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. The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA) appropriate Standard and Guidance (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicrm-contact-distance-search>) or an MCIfA level accredited Member.
- 4 The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

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5 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

6 Waste on site

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the: CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

7 Informatives.

Flood and Water Management Act 2010 Requirements.

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with the Welsh Ministers mandatory National Standards for sustainable drainage (SuDS).

Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule. For further information on the legislation, please go to the Schedule 3 of the Flood and Water Management Act 2010.

What exactly is a SAB?

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

The SAB is established to:

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

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Existing sites and developments with planning permission granted or deemed to be granted (whether or not subject to any conditions as to a reserved matter) or for which a valid application has been received but not determined by 7 January 2019, will not be required to apply for SAB approval. However, SAB approval will still be required if the planning permission was granted subject to a condition as to a reserved matter and an application for approval of the reserved matter is not made before 7 January 2020.

Some exemptions will apply:

- o Construction work which does not require planning permission is excepted from the requirement for SAB approval, the exception does not apply where the construction covers an area of 100m² or more.
- o Whether or not planning permission is required, construction work involving the construction of a single dwelling house, or other type of construction, which covers an area of land of less than 100m², is excepted from the requirement for approval.

How do I seek SAB approval?

a) SAB pre-application not linked with LPA pre-application process

The SAB will offer a chargeable pre-application service to discuss in detail your site's drainage requirements and what needs to be submitted with your application. This service will be separate from the planning pre-application service so early engagement between yourself and relevant services will need to take. This will ensure suitability of proposed SuDS design in line with national standards and adequate site layout. This service will be valuable to developers to help limit delays and reduce costs in the long term.

b) SAB pre-application merged with LPA pre-application process

The SAB will offer a chargeable pre-application service to discuss in detail your site's drainage and what needs to be submitted with your application. This service will be offered with the planning pre-application advice should you wish to receive it. This will ensure suitability of proposed SuDS design in line with national standards and adequate site layout. This service will be valuable to developers to help limit delays and reduce costs in the long term.

Full applications must be submitted to the SAB for validation and must be accompanied by:

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- o a plan specifying the construction area and the extent of the drainage system;
- o information on how the construction work will comply with the SuDS Standards;
- o information requested in the application form checklist;
- o the appropriate application fee.

The SAB will have 7 weeks to determine applications other than those requiring an Environmental Impact Assessment, in which case it has 12 weeks.

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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 - 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)

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)

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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 - 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 - 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 - 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 - 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)

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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)

Site History

App Number	Proposal	Status	Decision Date
2017/0153/PRE	Pre-application - 100 dwellings with associated open space and new site access from Gorwydd Road	MIXP RE	05.04.2017
2017/1451/OUT	Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)	S106	10.08.2018
2018/2554/NMA	Non Material Amendment to planning permission 2017/1451/OUT granted 10th August 2018 to modify the wording for conditions 13 and 14 to alter the timing for submission and carrying out of the intrusive site investigations associated with the mining legacy. Cond 13 - change from 'prior to the submission of the RM application' to 'the RM application shall be accompanied by...'. Cond 14 - change from 'the RM application shall be accompanied by' to 'Prior to the commencement of development'. Page 224	APP	19.12.2018

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LV/80/0059/03	SINGLE STOREY GAMES ROOM EXTENSION	APP 28.03.1980
A01/0397	Single storey rear extension	APP 27.04.2001
2012/0827	Two storey rear extension and side roof extension	APP 03.08.2012

RESPONSE TO CONSULTATIONS

The application was advertised by way of a number of site notices and a press notice. Sixty nearby properties were also directly consulted.

ONE HUNDRED AND NINETY ONE (191) LETTERS OF OBJECTION and THREE letters of support have been received which raise the following (summarised) material planning concerns / comments:

- o Destruction of woodland and TPO trees.
- o Schools, dentists and doctors are oversubscribed. The local infrastructure cannot cope with additional population growth.
- o Increased traffic and congestion is dangerous.
- o Loss of biodiversity, European protected species, wildlife and habitat.
- o Sewage works is at capacity.
- o Development will remove the existing natural drainage and cause flooding.
- o Two existing large developments - Elba and Drovers Point - contain many rental properties, which are pushing up house prices.
- o Lack of affordable housing.
- o Increase in air pollution and impact on health of local people.
- o Poor access to the development from a busy road.
- o The woodland acts as noise barrier from factories and the railway.
- o The identity of Gowerton & Waunarlwydd will be lost.
- o The separation distance from the new development to existing properties on Gorwydd Road is insufficient, leading to loss of privacy.
- o This is not a brownfield site.
- o Contaminated land and toxic waste is hazardous.
- o Risk of subsidence from existing mine shafts and adits.
- o The roads are too narrow - emergency vehicles will have problems with access.
- o Delivery companies will have problems manoeuvring.
- o Harmful to the well-being of future generations.
- o There is Japanese knotweed in the site.
- o The mineshafts will need capping - this is a serious risk to proposed buildings on this site.
- o Increases to rail passengers.
- o It is hoped that all the conditions relating to ground investigations, mines shafts, water and drainage systems (soakaways don't work here), Knotweed, contaminated land, retention of TPO trees are met.
- o The existing boundaries of houses in Gorwydd Road should not be used as the boundary for the new development. A gap should be retained for access and maintenance.
- o There are more appropriate sites for development elsewhere in the village.

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- o The site is not allocated for development in the Southern Lliw Valley Local Plan.
- o Increased demand on utilities.
- o The approval of this would contravene existing safeguards embedded in planning law.
- o Impacts upon climate change from loss of woodland and increase CO2 gases.
- o Contractors have already caused disruption and damage to the roads.
- o The site is a Site of Importance for Nature Conservation (SINC) and links to other recognised sites such as the Burry Inlet & Loughor Estuary - SSSIs.
- o Planning Policy Wales requires local planning authorities to only allocate sites which are realistically capable of being developed within the Plan period - this is ignored by Swansea Council.
- o The drainage system proposed is not adequate and who is responsible for its maintenance.
- o The proposed loss of trees is unacceptable.
- o The Toucan crossing is not in the correct place.
- o There are insufficient numbers of parking spaces for the new houses which will lead to parking on the roads causing problems for refuse vehicles.
- o Loss of light and overshadowing.
- o Layout and density.
- o Smells
- o Landscaping
- o Archaeology

Amended plans were submitted showing amendments to the layout of the proposal and an increase in height to Plots 37 - 42 (now a 3 storey building).

The original sixty neighbouring dwellings were re-consulted (14 days) and site notices were placed close to the site.

Due to this report being written prior to the consultation expiry date, any additional objections / comments received in response to the re-consultation exercise will be reported to Committee via an update sheet.

Ward Councillor - Cllr Sue Jones

It has been well documented that the infrastructure of the village will not support the development of 100 houses. Schools, Doctors Surgery, traffic management, are all at breaking point. The destruction of a woodland area, wildlife, are not acceptable for future generations to benefit from. This development will destroy the village for future generations to enjoy.

Natural Resources Wales (NRW)

Condition 7 (Drainage)

We note the submission of the document entitled; 'Construction and Environmental Management Plan & Environmental Protected Statement: Former Cefn Gorwydd Colliery Site, Gorwydd Road, Gowerton', dated 5 October 2018, by Total CDM Solutions.

From the information currently available it does not appear as if the applicant has submitted an assessment of the potential to dispose of surface and land water by sustainable means.

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The Decision Notice for the outline planning permission, also includes a further condition which is relevant to the above, namely Condition 19, which refers to surface water and contaminated land. We note that Dwr Cymru Welsh Water (DCWW), have raised some concerns in relation to the above condition, in their response dated 31 October 2018.

Therefore, we advise that you discuss the discharge of Condition 7 with your Authority's Drainage Engineers and DCWW.

Condition 13 (Site Intrusive Investigations for Mine Entries) and Condition 14 (Reports for Site Investigations and Mine Entries)

NRW cannot comment on matters related to mine entries, which are covered by the above and so leave the decision regarding the discharge of these conditions to discussion between you and the Coal Authority.

Condition 16 (Phased Scheme for Land Contamination)

We note the submission of the document entitled; 'Land off Gorwydd Road, Gowerton: Site Investigation Report (Ref: 12143/PB/18/SI)', dated August 2018, by Integral Geotechnique Ltd. Following a review of the information submitted by members of NRW's Geoscience / Land Contamination Team, we do not object to the discharge of the above condition.

Condition 27 (Tree Protection)

We note the submission of the document entitled; 'Arboricultural Method Statement (Incorporating Impact Assessment and Tree Protection Measures)', dated September 2018, by The Environmental Dimension Partnership Limited.

We advise that you consult your Authority's Planning Ecologist in order to determine if they are satisfied with the information provided and whether they consider that the condition can be discharged.

We note the submission of the document entitled; 'Wildlife and Habitat Protection Plan', dated 24 August 2018, by Celtic Ecology Ltd, along with the associated drawings referenced in the text.

Although NRW did not request the above, we consider that details in relation to how nature conservation issues will be addressed are rather vague. However, we note the proposals in relation to the 'construction exclusion zone', vegetation removal and ground clearance. We also wish to take this opportunity to state that the details contained in the above document would not be sufficient to discharge Condition 31.

NRW advise that you discuss the content of the document and discharge of the above condition, with your Authority's Planning Ecologist.

We leave the discharge of Conditions 6, 11, 12, 13, 14, 15 and 28 to the discretion of your Authority, as these were not requested by NRW.

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Coal Authority

Initial Comments

The Coal Authority Response: Substantive Concern

The application site falls within the defined Development High Risk Area; therefore within the 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.

Our records indicate that underground mining has taken place beneath the site at shallow depth and that further historic unrecorded shallow coal mining may have taken place. In addition, there are a total of eight recorded coal mine entries (seven shafts and an adit) located within the proposed development site or within 20m of its boundary. The actual position of these features could deviate from their plotted positions by several metres. We hold no details of any treatment of these mine entries.

Planning context

The current reserved matters application has been submitted following the granting of outline planning permission 2017/1451/OUT (all matters reserved). The Coal Authority notes that Conditions 13 and 14 of the outline consent relate to the investigation and treatment of coal mining legacy affecting the application site and place requirements on the applicant in terms of information which is required to be submitted in support of any reserved matters application. These conditions are reproduced below:

13 Prior to the submission of any reserved matters application, a scheme of intrusive site investigations for the mine entries and a scheme of intrusive site investigations for the shallow coal workings, 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 shall be undertaken in accordance with the approved details thereby approved, prior to the submission of any reserved matters application.

14 The reserved matters application shall be accompanied by the following reports:

- (i) The report of findings arising from both of the intrusive site investigations required by Condition 13 (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, those treatment/remedial works shall be implemented in accordance with the details thereby approved.

Whilst it is unclear whether any proposed schemes of intrusive site investigation were approved by the LPA as required by Condition 13, we note that the current reserved matters submission is accompanied by a Site Investigation Report (Aug 2018, prepared by Intégral Géotechnique (Wales) Limited). As the title suggests, this report details the results of investigations carried out at the site, including works to further investigate coal mining legacy present within the site.

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It would appear that the investigations were limited to the southern half of the application site due to access constraints.

Mine entries

Section 11.2 of the Site Investigation Report indicates that all but one of the recorded mine shafts were located. We note that the positions of the shafts and 10m radius building exclusion zones around these features are shown on the proposed Site Plan (Drawing No. 2271-101C). We are pleased to note that the layout of built development avoids these building exclusion zones. In terms of treatment, the report advises that the "shafts should be treated by drilling and grouting, where possible. However, some of the shafts are located very close to neighbouring properties. Therefore, drilling down these shafts, could cause damage to the neighbouring properties and may not therefore be feasible or safe." It goes on to make broad recommendations in terms of options for the treatment/capping of each of the shafts. No specific cap details have been provided.

Adit

Section 11.3 of the Site Investigation Report confirms that the level running in a northerly direction from the recorded adit under the proposed access road has been located and is 2.2m high by 2.5m wide and is unfilled. It goes on to recommend that this feature will require infilling and stabilisation through drilling and grouting prior to the commencement of development.

Shallow workings

Section 11.1 of the Site Investigation Report indicates that based upon the results of the site works, recorded and unrecorded mine workings in a number of shallow coal seams pose a potential risk to the redevelopment of the site. Figure 8 appended to the report identifies an indicative area within the site where drilling and grouting stabilisation works are required to stabilise recorded shallow workings. It also identifies areas where further investigations will need to be carried out and, if necessary, remedial stabilisation works undertaken. No grouting specifications or grout grids are provided.

Conclusion / Recommendation

The Coal Authority welcomes the works undertaken to date, the results of which have informed the proposed layout. We also note and welcome the broad recommendations for the undertaking of further site investigations (see Section 12.7) and the further works to remediate coal mining legacy at the site.

However, the information presented to date does not provide the detailed and definitive schemes of proposed remedial works for the mine entries and shallow workings which would be expected given the specific requirements of Condition 13 and 14 of the issued outline consent. As such, the applicant has not yet demonstrated that the site is, or can be made, safe and stable for the proposed development. The Coal Authority must therefore OBJECT to this reserved matters submission.

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We wish to highlight that the exact form and technical detail of the proposed remedial measures, including mine shaft cap design, should be first agreed with the Coal Authority's Permitting Team as part of a permit application.

Note

Following the concerns raised by the Coal Authority above, the applicant submitted a Non-Material Amendment application (2018/2554/NMA) to modify the wording of Conditions 13 and 14 of outline planning permission 2017/1451/OUT to alter the 'trigger points' for the submission and carrying out of the intrusive site investigations associated with the mining legacy and ground conditions at the site. This NMA application was approved on the 17th December 2018.

Final Coal Authority Comments

The Coal Authority recently raised no objections to Non-Material Amendment application 2018/2554/NMA which proposes revisions to the wording of Conditions 13 and 14 of outline planning permission 2017/1451/OUT in respect of the timing for the undertaking of site investigations for shallow mine workings and the submission and approval of proposed remedial measures.

On the assumption that the Local Planning Authority has approved the NMA application, and given that the mine entries within the proposed development area have been located and their positions and associated zones of influence have informed the proposed site layout, I can confirm that the Coal Authority wishes to withdraw its objection to this Reserved Matters submission.

Welsh Water / Dwr Cymru

Initial Comments

Firstly, having regard to pre-application discussions, we express concerns that Dwr Cymru Welsh Water (DCWW) have not been consulted or informed of this planning application (Ref: 2018/1894/RES) which was only drawn to our attention by review of the Council's weekly list. DCWW were consulted on the original planning application (Ref: 2017/1451/OUT) and by response, dated 28th November 2017 (Ref: PLA0028661), offered no objection in principle subject to recommended conditions and advisory notes including reference to the requirements of the Memorandum of Understanding (MoU). We acknowledge the application was later granted outline planning permission subject to our recommended conditions, namely conditions 7 and 9, and the applicants have engaged in positive discussions with DCWW following consent.

As part of this latest application (Ref: 2018/1894/RES) for approval of reserved matters we offer no objection in principle subject to compliance with the aforementioned conditions.

On this point, we acknowledge that the accompanying cover letter from Asbri Planning dated 30th August 2018 highlights that this application seeks consent to discharge condition 7 and refers to "Drainage Drawings (Conditions 7 & 11)" prepared by Spring Design.

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Having reviewed the Council's website, we acknowledge receipt of an 'Engineering Layout' (Ref: 520-1A; 520-2A; 520-3A; & 520-4A) which indicates proposals for discharge of foul and surface water flows to the public foul and surface water sewers respectively. However, notwithstanding aforementioned discussions with the applicants, we would advise that there is no agreement to communicate surface water flows into the public sewerage system.

This conflicts with the 'Drainage Strategy Report' (No. 1067) that accompanied the original planning application which indicated proposals to dispose surface water flows into Gors Fawr Brook and is referenced in condition 8 of permission 2017/1451/OUT with respect to the proposed discharge rates. We also acknowledge that condition 19 precludes any soakaway system on site albeit, having regard to condition 8, this reserved matters application fails to include an evidence base that demonstrates the watercourse has been investigated and discounted for the purposes of surface water discharge. Therefore, whilst we have no objection to approval of reserved matters, we cannot recommend approval of details reserved by condition 7 at this time and suggest that an application for formal discharge of condition is required at a later stage.

Furthermore, with respect to condition 9, having reviewed the Council's weekly list we acknowledge receipt of an application for approval of non-material amendments (Ref: 2018/2051/NMA) to modify the wording to "pre-occupation", as opposed to "pre-commencement". We consider that this proposed variation would result in a material amendment that goes to the heart of the permission and, if minded to grant consent, could render the development unviable for occupation in the event no compensatory surface water removal strategy is identified for this application site. Whilst there is no statutory duty for the Local Planning Authority to consult DCWW on an application for non-material amendments, or approval of reserved matters, we consider that discretion to consult should be applied in this instance, particularly as drainage issues are material planning considerations.

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

Final DCWW comments

Amended drainage information was submitted by the applicant

I offer no objection in principle to the discharge of condition 7 as part of these approved reserved matters on the basis of the attached plans which indicate that surface water flows shall communicate to the public surface water sewer at an attenuated discharge rate.

Glamorgan Gwent Archaeological Trust (GGAT)

Thank you for consulting us in regards to the above application. We note the submission of a Written Scheme of Investigation for an Archaeological Watching Brief has been prepared by Rubicon Heritage (Report no. CGCW17, dated July 2018) on behalf of the applicant.

The scheme meets current professional archaeological standards and is therefore acceptable.

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However, we recommend that the applicants should not be fully discharged from their responsibility to ensure that the work is carried out, until the completion of all of the archaeological work, which will be confirmed when the final report is submitted to you.

Head of Transport and Engineering

Initial Comments

Background information - The site was granted Outline Planning Permission (with all matters reserved) under planning application 2017/1451/OUT. Thus the principle of residential use for 100 units has already been established. A full Transport Assessment (TA) was submitted by Vectos on behalf of Urbanstyle Land Ltd, in support of the outline consent (the scope of which was agreed with the CCS Highways Officer). The TA was validated and found to be a likely representation of the traffic movements that would arise.

There were a number of highway comments/conditions attached to the outline consent in addition to a contribution (£35,000) under the Section 106 Agreement for the installation of a toucan crossing on Gorwydd Road for pedestrian/cycle use and to safely link the site for non-car users to the local amenities, shops and schools in the area.

Current Reserved Matters application - The current application is to discharge the reserved matters of the Outline Planning Permission. In addition there are a number of more minor conditions being discharged also.

As well as the internal design and access to the site, the other conditions that relate to highways are: Conditions 12) Autotrack, and 28) boundary treatment.

Condition 12) The swept paths submitted show that the emergency vehicles can access/egress in a forward gear post development both internally and on the main road hence the likelihood of obstruction being caused on Gorwydd Road is minimised.

Condition 28) The boundary treatments are acceptable in the main except that Plots 26, 52, 57, 60, 93 and 67 which need a boundary treatment less than 1m in the interests of visibility.

Layout and parking - Advice has been given previously regarding the geometry that would be required for the internal roads to be adopted. The layout internally is considered to be acceptable where there is a 5.5m carriageway and a minimum of one 1.8m footway with one 1m service strip on the non-development side. There are long lengths of parking courts which would not be suitable for adoption and hence those parts would be required to be managed by a private management company. It is considered that the length of road from the main vehicular access to Plot 26 to Plot 60 to Plot 81 could be adopted under a Section 38 Agreement but the rest are not appropriately laid out to be considered. The Section 38 Agreement would be subject to the drainage proposals being acceptable.

Main access to the site is using a new priority junction, which was tested as part of the Outline planning application. It was demonstrated that the traffic movements could be accommodated within the existing infrastructure. A secondary access for shared pedestrian/cycle access is also shown as part of the reserved matters application and this will increase the accessibility of the site for non-car modes of transport.

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Having looked at the comments made by the Placemaking and Heritage Team, I would concur with comments regarding over-dominance of frontage elevations with car parking and some of the dwellings being difficult to access due to the lack of separate pedestrian accesses, or inadequate gaps being left in the parking courts. On some plots there are three rows of triple tandem parking which could be quite difficult to safely access/egress and could result in cars parking indiscriminately to the detriment of highway safety. On the adjacent site (Drovers Point) the car parking spaces are cramped and there are continuous issues regarding parking and access. On occasion emergency services have been unable to access the site. The over-reliance on parking courts and frontage parking could result in similar issues arising on this site. There are also other relevant comments relating to segregation from the footpath (to the parking areas) that been raised already by the Placemaking and Heritage Team

Highway Officer Conclusions - The Transport Assessment document submitted with the Outline planning application demonstrated that the car traffic could be accommodated within the existing infrastructure. However to encourage non-car modes of transport then the contribution has been agreed to provide a shared pedestrian/cycle crossing for Gorwydd Road (under a Section 106 agreement which was signed off in August 2017).

Highway Officer Recommendations - I recommend that no highway objections are raised to the proposed reserved matters application subject to:

1. Permitted development rights being removed with respect to the garages.
2. The front boundary walls being kept below 1m in the interests of visibility (see note above relating to discharge of condition 28).
3. The applicant entering into a Section 278 Agreement with the Highway Authority to provide the new accesses into the site (the main vehicular access and the secondary pedestrian/cycle access).
4. 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].
5. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Additional Comments

The detailed engineering layouts includes a 900mm piped culvert shown under the Highway, diverting an existing watercourse. This will not be acceptable to the Highway Authority, and may affect future adoption aspirations. This does not change the Highway's recommendation of approval, subject to the provided conditions, but the applicant should be aware of this issue.

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Final Comments

Condition 12 - I have had a look at the revised swept path drawings, and can confirm that these show a refuse vehicle can service the site in a forward gear without fouling the footways or any private areas. This is sufficient to discharge Condition 12.

Placemaking and Heritage Team

The application seeks Reserved Matter (RM) approval for the construction of 99 new homes and associated infrastructure and public space areas. This RM application follows on from a previous pre-application submission (app ref: 2017/0153/PRE) which set out an initial design framework for the site comprising of masterplan principles and a series of parameters plans.

Following this an outline application with all matters reserved was submitted and granted approval under application ref: 2017/1451/OUT. This outline application carried forward the masterplan principles and parameters plans for the site from the pre-application submission and these were further refined through negotiation between the development team and the LPA.

The current Reserved Matters (RM) application seeks approval for all Reserved Matters which include Access, Appearance, Landscaping, Layout and Scale.

The current RM application has been subject to detailed and ongoing design negotiations from initial submission to the most recent iteration of the scheme. This has involved assessing each iteration of the proposals against the outline placemaking parameters as well as the principles of good residential design as set out in the adopted Residential Design Guide SPG.

As a result the scheme includes a number of positive aspects which include active and varied street frontages, a range of open space areas located across the scheme, some of which lies directly adjacent to the retained mature woodland. These open spaces as well as the woodland have been enhanced through providing new footpaths through the latter (routes and specification to be agreed) which allow for a greater level of play and recreation opportunities to occur in this location.

Community safety has been built into the open spaces by ensuring that these are directly overlooked by the fronts of dwellings. In order to ensure a quality public realm and street character, the locations and types of dwellings have been subject to ongoing negotiations to ensure maximum frontage onto the street with corner turning units at junctions and onto open space areas.

In addition to this the car parking strategy has been carefully negotiated in order to minimise the impact of parked cars by utilising a mixture of side drives, parking courts and frontage parking across the scheme. The impact of frontage parking has been minimised by breaking up these areas with intermediate planting where these have been utilised.

To ensure a quality street character, an approach has been undertaken to the locating of dwellings, trees or open spaces terminating key views along roads as well as ensuring high quality boundary treatments to gardens and private areas where these abut or are visible from the public realm.

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A final point which was raised as a fundamental issue at the outline application stage was ensuring a convenient pedestrian/cycle link between this development and the nearby Gowerton railway station through the existing development to the north-west. Whilst a formal route has not been provided as the bund area between the 2 sites falls outside of the application area/ownership of the current application, it is noted that a wide gap has been left in the north-west corner of the site between this and the adjacent development which links up to one of the internal site streets. This link connects to an existing short informal route between the sites and as this connects to a well overlooked street within the current application area, this is considered an acceptable and welcomed approach given the lack of ownership to provide a more formal route.

Following the ongoing and detailed design negotiations on this scheme as well as the previous submissions it is now considered that the proposals result in a high quality residential development which provides pleasant streets and public spaces for the enjoyment of future residents and visitors alike. As such the current scheme is supported in design terms and recommended for approval on the basis of the above assessment.

Tree Officer

Initial Comments

Trees

The layout is generally acceptable and has looked to retain trees in accordance with the outline plan. However, there are areas of conflict and aspects that need clarification. The incursions into the Root Protection Area (RPAs) of retained trees is discussed in paragraph 2.7, however the impact on the trees is not articulated. For example the disturbance to tree T147 is significant. Will this tree be able to be retained with this amount of disturbance? This is especially important concerning the trees at the entrance.

Paragraph 2.7 also says that the preferred option of no-dig construction cannot be used due to the roads needing to be to an adoptable standard. This is not the case for T16; the incursion is for private parking. If this cannot be constructed by no-dig methods the unit should be moved further away which would also negate the requirement for pruning.

The plans also have an area labelled "Existing spoil bunds will need to be significantly reworked in this area"; the area shown has retained trees, the impacts of this need consideration.

The tree protection plan will need to show more information:

- o Dimensioned locations of tree protective fencing.
- o Storage are / mixing / etc
- o Details of 'haul road' as mentioned.

Landscape

Generally the tree planting utilises the available space however there are some comments:

* The Q. robur near plot 37 is too close to allow it to be retained into maturity, consider a more suitable species.

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* The Q. robur near plot 72 is too close to allow it to be retained into maturity, consider a more suitable species.

* The Malus on the entrance is possibly too close to the existing trees, please show existing trees.

It is noted that the open space near to the pedestrian access has shrunk when compared to previous drawings, this is also true of the open space on the opposite corner. To mitigate the impact of tree removals on the remaining trees it was agreed that significant tree planting was placed in this open space. The reduction of this area limits the size of suitable trees that can be planted.

The two Q.robur on the public open space are too close to the adjacent houses to allow them to reach maturity. They are also too close together and will be visually unappealing as planted in a two.

The proposed hawthorn trees should be changed for a suitable species / variety that is more in-keeping and available readily as a standard, consider 'Stricta' or 'Prunifolia'.

The wildflower meadow should be replaced where it is shown between the plots such as between 51 - 52.

The area along the woodland edge should ideally be planted with woodland edge species. The proposed wildflower meadow seed is unlikely to prosper in these areas due to shading.

Further Comments

In response to the above concerns an amended layout plan was submitted.

My main area of concern about this proposed layout is the area of open space close to the pedestrian entrance - it is too small. Notwithstanding this concern, the engineering drawings and some clues on the site layout suggest that extensive grading will be required both in the woodland and adjacent to trees on the western boundary. This will obviously affect trees resulting in their loss. This has not been picked up in the impact assessment; no excavation near trees is mentioned.

Removal of these trees will result in both the loss of additional trees and the exposure of the woodland resulting in wind blow. This was my first comment on the development of this site and was 'mitigated' by the developer and EDP at a site meeting showing retention of the edge trees, demonstration of previous exposure and the planting of the now shrunken open space (see arboricultural report addendum). Without these measures the scheme is not viable and will be met with an objection.

Final Comments

Amended information was submitted in response to the Tree Officer comments.

The arboricultural report identifies the impacts on trees, previously not considered. The report specifies techniques to reduce the impacts and justifies why the impacts may not be adverse - due to species characteristics and contiguous planting area to compensate for disturbance.

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Most importantly intended excavation outside of the redline has been removed from the drawings.

The landscape scheme also appears to have addressed concerns. The tree species chosen are suitable and planting detail is acceptable.

Pollution Control Officer

Initial Comments

With regards to Condition 16 of the final decision notice, and site investigation report number 12143/PB/18/SI

The Phase 1 report has been submitted.

The Phase 2 report is incomplete due to the fact that machine access to the north-west half of the site was not possible. "Consequently, it was only possible to undertake limited investigations of the shallow ground in parts of this half, using hand-held equipment. No investigations of the deeper ground conditions (including the mining risk) have been possible in this north part of the site to date."

Therefore the applicant must provide a more detailed investigation [Human Health Risk Assessment] of the north-west half 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.

Also topsoil in the south half of the site must be further sampled and tested for bio-accessible arsenic. Further sampling and testing must be carried out around this location in order to confirm this and the extent of the affected topsoil.

Sample number WS8 of topsoil showed speciated PAH exceedances, so is considered to be a localised hot spot. Further sampling and testing must be carried out around this location in order to confirm this and the extent of the affected topsoil.

Further sampling and testing must be carried out around the location of sample number WS2, in order to confirm the extent of the affected made ground.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority.

With regards to clearing of the site for additional testing, and during all works on site, appropriate measures must be taken for works involving the made ground materials, which are known to be present beneath the site. Dust suppression techniques must be applied to the works to minimise fugitive emissions and minimisation of exposed materials at any particular time.

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Phase 3: Remediation Strategy Options Appraisal, and Validation/verification Report is not complied with.

With regards to noise, please can the applicant confirm if the following has been carried out:

Noise: - The Environmental Noise Survey 4556/ENS1 (Hunter Acoustics) puts forward the relevant sound level information to suggest that the site be classified as NEC A/B for the purposes of TAN 11. Whilst it states that no additional sound insulation treatment is indicated for the external building fabric I would like to condition that dwellings adjacent to the railway line are subjected to enhanced fenestration so as to protect from the effects of train pass-bys: -

o Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All habitable rooms adjacent to the railway line be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 30dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated ventilation units.

Reason: To minimise future residential exposure to train pass-by noise.

Final Comments

With regards to clarification of the discharge of Condition 16, the Pollution Control Division partially discharges Condition 16, as further investigation is required in the first instance, as per my email dated 19th October.

We wait to receive the revised Site Investigation Report in 2019.

Note

As the submitted information did not allow Condition 16 to be fully discharged, the applicant withdrew his original request to have the details submitted in pursuance of Condition 16 be considered as part of this application. The description of development was consequently amended to remove reference to Condition 16).

Ecology Officer

Initial Comments

After reviewing the engineering drawings and discussions with the Tree Officer, it appears that the intention may be to regrade large sections of the woodland edge boundary, rather than to install retaining walls, as I believed was the intention previously. This seems to be confirmed in the Wildlife and Habitat Protection Plan (section 2.2 and plan at rear). If so, this would make the Arb Method Statement meaningless. Clarification on this matter is required.

Also, the Coal Authority have objected due to insufficient information, and that further investigations are required. Further information is required regarding this matter also, in particular, where and when will investigations occur?

Also, there is mention of spoil bunds being reworked, as noted by the Tree Officer. Further detail is required.

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Final Comments

Amended information was submitted by the applicant

The revised Wildlife Protection Plan is acceptable to meet the requirements of the condition.

Drainage Officer

Further to the details submitted (Dwg 2271/680-1 Rev B) in pursuance of Condition 11, on the basis of the drawing submitted we can recommend the discharge of Condition 11.

We will highlight that under the Land Drainage Act 1991 the Authority's prior written consent is required irrespective of any other permissions given and we have two calendar months to determine any application. This requirement may impact on any proposed start dates to avoid the bird nesting season. The land drainage consent process will require the submission of full engineering details such as chamber design, headwall design, typical channel cross section, channel long section etc. The required application forms can be downloaded from <http://www.swansea.gov.uk/article/5390/Drainage-and-coastal-management>.

Further to the details submitted in pursuance of Condition 7 (dwgs 2271-520-1-D (1 of 4), 2271-520-2-D (2 of 4), 2271-520-3-D (3 of 4) and 2271-520-4-D (4 of 4)) and supporting Network SW Simulation Results 1 and 2, we consider the details submitted satisfactory.

Housing Enabling Officer

This scheme is supported by Welsh Government grant through the Programme Development Plan. Pobl are creating a mixed tenure site. I am happy with the affordable housing property size, type and the dispersal across the site. Pobl the RSL who will be managing the units has confirmed a demand in this area for 1 bedroom flats, therefore I support their inclusion. All the affordable housing units will be to DQR standard.

Waste Management Officer

No response received

Japanese Knotweed Officer

The Japanese Knotweed condition can now be discharged.

APPRAISAL

This application seeks approval for the 'reserved matters' (access, appearance, landscaping, layout and scale) relating to Outline Planning Permission 2017/1451/OUT granted on 10th Augusts 2018 for up to 100 dwellings.

This reserved matters application is being reported to Committee for determination as it relates to a development of 99 dwellings.

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The application site (along with adjoining retained wood land) forms part of the former Cefn Gorwydd Colliery site. The application site is located to the rear of residential dwellings, Nos 65 - 139 Gorwydd Road (odd), is bound to the north by the main railway line and the retained woodland, to the west by part of the retained woodland and dwellings in Tir Y Farchnad and Clos Tregwyr, and to the east by the retained woodland and residential dwellings in Bryn Close and Laurel Drive.

The site is irregular in shape and measures approximately 2.9 hectares and is presently covered with woodland and scrubland. Two strips of land connect the site to Gorwydd Road - a proposed pedestrian route between 81 and 83 Gorwydd Road, and a proposed vehicular access between 121 and 137 Gorwydd Road.

The application site is currently designated as 'Green Wedge' within the Unitary Development Plan 2008. However, within the emerging Local Development Plan, the site is allocated as a Non-Strategic Housing Site under Policy H1 (Site ref H1:123).

The majority of the woodland within the 'retained woodland' area will retained and opened up for public access.

The site benefits from outline planning permission (2017/1451/OUT) for residential development for up to 100 dwellings. As part of that permission, a Section 106 Agreement was signed which included

- o 30% Affordable housing comprising 70% social rent and 30% intermediate rent provided at 42% ACG and DQR compliant, and dispersed in clusters across the site.
- o A Highways Contribution of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use.
- o Education Contribution of £369,076 to increase school capacity at local schools (plus indexation) - Primary: £321,532 (plus indexation), to be split 84.8/15.2 towards Gowerton Primary and YGG Y Login Fach, respectively. Secondary: £47,544 (plus indexation), towards YG Gwyr.
- o Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.
- o An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.
- o A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement)
- o The Council's legal fees of £1000 relating to the preparation of the S106 agreement

This reserved matters application shows the detailed layout of the site with a new access road in to the site being located off Gorwydd Road.

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There are 34 affordable housing units (34.3%) proposed which are located in clusters within the site comprising 6 x one bed apartments, 18 x two bed houses, 8 x three bed houses and 2 x four bed houses.

This application also includes details in relation to the following conditions that form part of the 2017/1451/OUT outline planning permission:

6 (Japanese Knotweed), 7 (drainage), 11 (on-site culverts), 12 (auto-track), 13 (site intrusive investigations for mine entries), 15 (historic environment mitigation), 27 (tree protection), 28 (boundary treatment), and 29 (wildlife habitat protection plan).

Background Information

There are a number of separate applications relating to the 2017/1451/OUT planning permission, which are currently being assessed as follows:

2018/2051/NMA - Non-Material Amendment to Planning Permission 2017/1451/OUT granted 10th August 2018 to modify the wording of conditions 9 (surface water removal strategy), and 22 (future maintenance and management of streets) to be "pre-occupation" as opposed to "pre-commencement" requirements, and to modify the wording of condition 21 (noise insulation) to be "pre-construction" as opposed to "pre commencement".

2018/2172/DOC - Discharge of conditions 32 (CEMP) and 33 (SWMP) of Planning Permission 2017/1451/OUT granted 10th August 2018

The following application was approved on 17th December 2018.

2018/2554/NMA - Non Material Amendment to planning permission 2017/1451/OUT granted 10th August 2018 to modify the wording of Conditions 13 and 14 to alter the 'trigger points' for the submission and carrying out of the intrusive site investigations associated with the mining legacy.

The following Tree Preservation Order permissions have been approved to enable the ground investigation works to take place.

2017/2166/TPO - Woodland management of trees covered by TPO No. 419.

2018/0146/TPO - Woodland management of trees covered by TPO 419 and TPO 442.

2018/0722/TPO - Clearance works to trees around mine shafts and widening of pathway within woodland covered by TPO 419.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the proposed access, appearance, landscaping, layout and scale of the proposed development in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts upon neighbouring occupiers, the impact of the development on access, parking and highway safety, and impacts on environmental interests.

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Policy Context

Policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan (2008) are relevant to the determination of this application, as is the Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019.

Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) edition 10 at para. 1.17 emphasises that the legislation secures a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act. Paragraph 1.21 of PPW states that up-to-date development plans are the basis of the planning system and that these set the context for rational and consistent decision making, where they have been prepared in accordance with up to date national planning policies. The Plan-led system underpins the delivery of sustainable places and development proposals must seek to deliver development that addresses the national sustainable placemaking outcomes, as defined within PPW 10 (chapter 2).

The examination of what is necessary within a development plan to deliver sustainable development manifestly occurs through the production of new planning policies and their supporting evidence base. The LDP replacement is what is anticipated by PPW and other national guidance to be the appropriate review process for time expired Plans. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage.

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In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019.

The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include the following :

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

ER1 - Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER2 - Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER11 - Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted. Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

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

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

T5 - Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to. The relevant LDP policies that apply to this scheme are broadly consistent with the objectives of the UDP Policies cited above. Consequently, as the LDP Policies do not materially affect the way that the proposal is evaluated, the scheme is primarily considered having regard to UDP Policies and the Council's Places to Live: Residential Design Guide.

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

EU4 - Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

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

RP 2 B - Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP3 - Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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RP 4 - Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP5 - Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 - Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment.

H2 - Affordable Housing Strategy - provision will be made to deliver a minimum 3,518 affordable homes over the Plan period.

H3 - Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

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

SI6 - Provision of New Open Space - Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

The relevant LDP Policies that apply to this scheme are broadly consistent with the objectives of the UDP Policies cited above. Consequently, as the LDP Policies do not materially affect the way that the proposals are evaluated, the scheme is primarily considered having regard to UDP Policies and the Council's Places to Live: Residential Design Guide.

Visual Amenity

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

Layout & Scale - in visual terms the layout and density is appropriate for the area and does not result in an over-development of the site.

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The proposal includes a mix of 1 bed flats, 2, 3 and 4 bedroom houses with a mix of 2 and 3 storey buildings, which will be in keeping with the character and appearance of the surrounding area. The houses will be a mix of detached, semi-detached and small terraced rows, and two 3 storey blocks of flats. There are a number of public open spaces included within the layout, along with a new path to access the retained woodland to the north of the developable area. Concerns were raised regarding some design and layout issues during the course of the application. Subsequent amended plans have been submitted with have satisfactorily addressed previous concerns, and as such the layout and scale are considered to be acceptable.

Appearance - the proposed elevations of the houses and flats are of a contemporary design with a mix of traditional front to rear roof pitches and modern gable fronted houses. The materials for the proposed houses and flats would be a mix of buff and grey brick, timber cladding, grey slate roofs, and grey window frames and doors. The design and general appearance of the dwellings is considered to be acceptable in principle.

The boundary treatments include 1.8m high screen walls (with brick piers) to external facing garden boundaries, 1.8m high hit and miss timber fence to internal garden boundaries, 0.6m timber knee rail in sections adjacent to the retained woodland, a 1m high brick wall to sections of the parking areas and 1.2m high railings to a number of front gardens. With regard to the boundary with existing houses in Gorwydd Road, a proposed 1.8m high hit and miss fence is proposed. The proposed boundary treatments are considered to be acceptable in visual terms.

The specifications and details of the exact materials is not submitted with this application, therefore a condition is proposed requiring all the specifications for external finishes and boundary treatments to be submitted for further approval.

Landscaping - The Council's Tree Officer raised a number of concerns regarding the proposed landscaping for the site (as per the comments in the Tree Officer observation section of this report). Amended plans were received which overcame the concerns raised and as such the scheme is considered to be acceptable.

The proposed internal access arrangements, appearance, landscaping, layout and scale of the proposal are considered to be acceptable in terms of visual amenity and respect the character of the area.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impact upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1 and EV2 of the UDP, and the SPG - Places to Live: Residential Design Guide, and the emerging LDP Placemaking Policy PS2.

Residential Amenity

In terms of residential amenity impacts, there are existing residential houses in Gorwydd Road, (Nos 65 - 139 odd) which share a mutual boundary with the application site. Within the proposed development, there would be a number of houses which will back onto the rear gardens of the existing dwellings in Gorwydd Road.

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Each of the new dwellings would have a rear garden of a minimum length of 10m, and the existing houses have rear gardens in excess of 11m, resulting in a separation distance of a minimum of 21m between the existing and proposed properties, which is in excess of the minimum separation distances given with the SPG - Places to Live: Residential Design Guide. As such, there would be no material residential amenity impacts in terms of overlooking, overbearance or overshadowing on these existing dwellings.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation distance where first floor windows overlook neighbouring private amenity space. All of the plots would have an acceptably sized rear garden. In terms of the residential amenity of existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the UDP, SPG - Places to Live: Residential Design Guide, and the emerging LDP Placemaking Policy PS2.

Access, Transportation and Highway Safety

The application site already benefits from outline planning permission (2017/1451/OUT) for residential development. That application was supported by a Transport Assessment, and this showed that it was considered that the site could be developed for up to 100 dwellings in terms of vehicular movements.

The outline planning permission was subject to a S106 agreement, which included a sum of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use.

Main access to the site is using a new priority junction, which was tested as part of the outline planning application. It was demonstrated that the traffic movements could be accommodated within the existing infrastructure. A secondary access for shared pedestrian/cycle access is also shown as part of this reserved matters application and this will increase the accessibility of the site for non-car modes of transport.

With regard to the internal access roads and parking provision, the scheme is considered to be acceptable. It is noted that the submitted plan includes details of a 1.0m high wall adjacent to a number of parking spaces, which accords with the Highway Officers request that front boundary walls being kept below 1m in the interests of visibility.

It is noted that the Head of Transportation and Engineering has requested the imposition of certain conditions. However as this is a 'reserved matter's application, conditions cannot be added at this stage. Matters regarding adoption of certain parts of the road system is covered by other legislation, and a condition (No. 22) was included within the outline permission that stated that full detail of the proposed arrangement for the future management and maintenance of the proposed streets shall be submitted and approved by the LPA. The streets shall be maintained in accordance with the approved management and maintenance detail until such a time as an agreement has been entered into under Section 38 of the Highway Act or a private management and maintenance company has been established.

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It is considered that the means of access, layout and parking of the proposed scheme is acceptable and would accord with the provisions of Policies EV1, AS2 and AS5 of the Swansea UDP (2008) and the emerging Local Development Plan Policies PS2 and T2.

Affordable Housing

As per the Housing Enabling Officer comments in this report, it is considered that the affordable housing provision within this application is acceptable, as are the location of the affordable houses/flats. The affordable units comprise 6 x one bed apartments, 18 x two bed houses, 8 x three bed houses and 2 x four bed houses.

Councillors are advised that the planning report pertaining to the 2017/1451/OUT recommended that the affordable housing be a mix of 2 and 3 bed units (no 1 bed flats or 4 bed houses were mentioned). This recommendation was accepted by the Planning Committee. However, the provision of only 2 and 3 bed affordable houses was not specified within the signed S106 agreement.

Notwithstanding the lack of a specific reference to 1 bed flats or 4 bed houses within the previous Committee report, the Housing Enabling Officer has confirmed that the provision of six 1 bed flats is acceptable and two 4 bed houses is acceptable. This results in a broader range of affordable units within the site. It also noted that the original consent required 30% affordable housing, and this scheme now provides 34.4%, which is beneficial. The affordable housing units are proposed to be provided in two main clusters within the site. The design of the affordable units are also considered to be comparable to the market dwellings, which is welcomed.

As such, it is considered that the proposed affordable housing provision is acceptable.

Conditions of the Outline Permission

Condition 6 - Japanese Knotweed

Condition 6 of the outline permission stated:

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.

The Council's Knotweed Officer has confirmed that the submitted details for the eradication of Japanese Knotweed are considered to be acceptable and therefore the requirements of the condition have been met and as such, the condition can be discharged.

Condition 7 - Drainage

Condition 7 of the outline permission stated:

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

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The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and 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.

The Council's Drainage Officer has confirmed that the submitted drainage details are considered to be acceptable and therefore the requirements of the condition have been met and as such, the condition can be discharged.

Welsh Water have commented that they offer no objection in principle to the discharge of Condition 7 as part of these approved reserved matters on the basis of the attached plans which indicate that surface water flows shall communicate to the public surface water sewer at an attenuated discharge rate.

Condition 11 - On site Culverts

Condition 11 of the outline permission stated:

Prior to the commencement of development a scheme detailing any proposed alterations or modifications to any existing on-site culverts shall be submitted to and agreed in writing by the Local Planning Authority. Only the agreed culvert works shall then be implemented in accordance with the details thereby approved.

Reason: To ensure that any alterations to the onsite watercourses do not create or exacerbate existing flood risk to the development and surrounding third parties.

The Council's Drainage Officer has confirmed that the submitted details for the culvert are considered to be acceptable and therefore the requirements of the condition have been met and as such the condition can be discharged.

Condition 12 - Autotrack

Condition 12 of the outline permission stated:

Any reserved matters application relating to layout shall include full details of an 'Autotrack run' that demonstrate that refuse vehicles/emergency vehicles can enter, turn and leave all parts of the proposed development in a forward gear.

Reason: To ensure full access can be gained by refuse and emergency vehicles in the interests of highway safety.

The Council's Highway Officer has confirmed that the submitted details showing the Autotrack run is acceptable, and therefore the requirements of the condition have been met and as such the condition can be discharged. The layout scheme is subsequently also considered to be acceptable.

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Condition 13 - Site Intrusive investigations for mine entries

Condition 13 of the outline permission has been modified via the NMA (2018/2554/NMA) approved on the 17th December and the condition now reads:

The reserved matters application shall be accompanied by a scheme of intrusive site investigations and report of findings for the mine entries and a scheme of intrusive site investigations for the shallow coal workings, and shall be approved in writing by the Local Planning Authority (in consultation with the Coal Authority). Any reserved matters relating to 'layout' shall illustrate any mine entries present within the site together with associated 'no-build' zones.

Reason: To ensure the safety and stability of the proposed development.

The Coal Authority has confirmed that the submitted details are considered to be acceptable and therefore the requirements of the condition have been met and as such the condition can be discharged.

Condition 15 - Historic Environment Mitigation

Condition 15 of the outline permission stated:

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 shall be submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

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

GGAT have confirmed that the submitted Written Scheme of Investigation for an Archaeological Watching Brief meets current professional archaeological standards and is therefore acceptable.

However, the condition cannot be fully discharged until the work is carried and all the archaeological work is completed, which will be confirmed when the final report is submitted to the Local Planning Authority for approval.

Condition 27 - Tree Protection

Condition 27 of the outline permission states:

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. 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:

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- (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.

The Council's Tree Officer has confirmed that the submitted details for the Tree Protection Plan is acceptable, and therefore the requirements of the condition have been met and as such, the condition can be discharged.

Condition 28 - Boundary Treatments

Condition 28 of the Outline Permission states:

Prior to the construction of the first dwelling house hereby approved, a plan indicating the positions, heights, design, materials and type of all boundary treatments to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the agreed details.

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Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area

The submitted details for the boundary treatments (as detailed within the Visual Amenity section of this report) are considered to be acceptable in principle. However, more information is required relating to the specific materials to be used. Consequently, this matter will be addressed by means of imposing a condition (Condition 2 below) if the recommendation below is accepted.

Condition 29 - Wildlife Habitat Protection Plan

No development shall take place until a Wildlife and Habitat Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Wildlife and Habitat protection plan shall include:

- i) A plan showing the Construction Exclusion Zone (CEZ) fencing scheme designed to protect all features of ecological interest throughout the construction period.
- ii) Details of any proposed activities within the CEZ and measures to be taken to minimise the impact of any works.
- iii) Details of phasing of construction.
- iv) Vegetation Removal Method Statement.

All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to the agreed Vegetation Removal Method Statement. The Protection Plan shall then be implemented prior to any ground works commencing and in accordance with the timings approved by the Local Planning Authority.

Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.

The Council's Ecology Officer has confirmed that the submitted details for the Wildlife and Habitat Protection Plan is acceptable, and therefore the requirements of the condition have been met and as such, the condition can be discharged.

Response to Consultations

Matters relating to the increase in traffic, access, the existing road network, the principle of development, the local development plan (LDP), overdevelopment, policy, loss of green wedge, impacts upon schools, sewerage, drainage, flooding, open space, the character of the area, ecology / biodiversity / protected species, impacts upon habitats and the SINC, TPO trees, woodland, children's' play areas, air and noise pollution, old coal mining workings / land stability, contaminated land / toxic waste, Japanese Knotweed, archaeology, affordable housing, planning law, climate change were addressed during the determination of the the Outline Planning Application

Issues relating to impacts upon privacy / separation distances, loss of light, boundary treatment, landscaping, parking, access for emergency vehicles are addressed within the above sections of this report.

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With regard to other issues contained within the list of objection points, including; increase in house prices, private landlords, increase in rail passengers, demand on utilities, the capacity of local doctors, pharmacies, dental surgeries and construction traffic, these issues are not material to the determination of this reserved matters application and so do not form a reason for the refusal of the application.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, this reserved matters application (providing details of access, appearance, landscaping, layout, scale) is considered to be acceptable. Furthermore, the information submitted in respect of Conditions 6, 7, 11, 12, 13, 15, 27, 28 and 29 of planning permission 2017/1451/OUT is also considered to be acceptable. The proposals therefore comply with the provisions of Policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan (2008), the SPG - Places to Live: Residential Design Guide, Parking Standards and The Protection of Trees on Development Sites SPG, and the emerging LDP Policies PS2, ER1, ER2, ER11, T1, T2, T5, T6, EU4, RP2A, RP2B, RP3, RP4, RP5, RP7, H2, H3, IO1, and SI6.

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

RECOMMENDATION:

APPROVE subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:

JAPANESE KNOTWEED SURVEY REPORT V2
JAPANESE KNOTWEED METHODOLOGY FOR CONTROL
JAPANESE KNOTWEED LOCATION PLAN
Received 31 August 2018.

2271-227 - HOUSE TYPE F - ELEVATIONS
2271-226 - HOUSE TYPE F - FLOOR PLANS
2271-222 - HOUSE TYPE D - FLOOR PLANS
2271-221 - HOUSE TYPE C2 - ELEVATIONS
2271-220 - HOUSE TYPE C2 - FLOORPLANS
2271-218 - HOUSE TYPE C1 - FLOOR PLANS
2271-216 - HOUSE TYPE B2 - FLOOR PLANS
2271-214 - HOUSE TYPE B1 - FLOOR PLANS
2271-213 - HOUSE TYPE A – ELEVATIONS

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2271-212 - HOUSE TYPE A - FLOOR PLANS
2271-210 - HOUSE TYPE 4B - FLOOR PLANS
2271-207 - HOUSE TYPE 3B1 - ELEVATIONS
2271-206 - HOUSE TYPE 3B1 - FLOOR PLANS
2271-205 - HOUSE TYPE 2B2 - ELEVATIONS
2271-204 - HOUSE TYPE 2B2 - FLOOR PLANS
2271-203 - HOUSE TYPE 2B1 - ELEVATIONS
2271-202 - HOUSE TYPE 2B1 - FLOOR PLANS
2271-100 - SITE LOCATION PLAN

Received on the 19th September 2018

2271-225 - HOUSE TYPE E ELEVATIONS
2271-223 - HOUSE TYPE D ELEVATIONS
2271-219 - HOUSE TYPE C1 ELEVATIONS
2271-217 - HOUSE TYPE B2 ELEVATIONS
2271-215 - HOUSE TYPE B1 ELEVATIONS

Received 25th September 2018

2271-211 - HOUSE TYPE 4B
Received 26th September 2018

SITE INVESTIGATION REPORT PART 1
SITE INVESTIGATION REPORT PART 2
WRITTEN SCHEME OF INVESTIGATION FOR ARCHAEOLOGICAL WATCHING BRIEF
Received 5th October 2018

2271-231 - PLOTS 29-31 PROPOSED ELEVATIONS
2271-230 - PLOTS 29-31 PROPOSED FLOOR PLANS
2271-229 - PLOTS 26-28 PROPOSED ELEVATIONS
2271-228 - PLOTS 26-28 PROPOSED FLOOR PLANS
2271-BS - BIN STORE PLANS & ELEVATIONS

Received 10th December 2018

2271-680-1 REV B - WATERCOURSE DIVERSION WORKS
2271-209 REV A - HOUSETYPE 3B2 ELEVATIONS
2271-208 REV A - HOUSETYPE 3B2 FLOOR PLANS
2271-201 REV A - APARTMENT TYPE 1 B ELEVATIONS
2271-200 REV A - APARTMENT TYPE 1 B FLOOR PLANS
Received 14th December 2018

2271-242 REV A - FLOOR PLANS PLOTS 59-61
2271-241 - ELEVATIONS PLOTS 59-61
2271-101 REV J - SITE LAYOUT PLAN
Received 17th December 2018

2271-610 REV C - DRAINAGE SECTIONS
NETWORK 1 SW SIMULATION RESULTS 18.12.18
NETWORK 2 SW SIMULATION RESULTS 18.12.18
2271-600-1-REV C - ROAD LONGITUDINAL SECTIONS (1 OF 3).

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2271-600-2 REV B - ROAD LONGITUDINAL SECTIONS (2 OF 3).
2271-600-3 REV B - ROAD LONGITUDINAL SECTIONS (3 OF 3).
2271-650-1 REV B - REFUSE VEHICLE SWEEP PATH (1 OF 2)
2271-650-2 REV A - REFUSE VEHICLE SWEEP PATH (2 OF 2)
ARBORICULTURAL REPORT (1 OF 2)
ARBORICULTURAL REPORT (2 OF 2)
EDP4608_D005 REV D - DETAILED HARD AND SOFT LANDSCAPING PLAN SHEETS
1-5

Received 18th December 2018

2271-520-1 REV D - ENGINEERING LAYOUT (1 OF 4)
2271-520-2 REV D - ENGINEERING LAYOUT (2 OF 4)
2271-520-3 REV D - ENGINEERING LAYOUT (3 OF 4)
2271-520-4 REV D - ENGINEERING LAYOUT (4 OF 4).
2271-680-1 REV B - WATERCOURSE DIVERSION WORKS
WILDLIFE AND HABITAT PROTECTION PLAN

Received 19th December 2018

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

- 2 Prior to the construction of the superstructures of the buildings hereby approved, full details and specifications of the materials to be used in the construction of the external surfaces of the buildings and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10
- 2 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 or telephone 01792 636091.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

- 4 Birds may be present in these grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild birdNo works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
 - 5 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 6 The applicant / developer is also advised of the need to comply with the conditions forming part of outline planning permission 2017/1451/OUT granted 10th August 2018.
 - 7 Please be advised that under the Land Drainage Act 1991 the Authority's prior written consent is required irrespective of any other permissions given and we have two calendar months to determine any application, this requirement may impact on any proposed start dates to avoid the bird nesting season. The land drainage consent process will required the submission of full engineering details such as chamber design, headwall design, typical channel cross section, channel long section etc. The required application forms can be downloaded from <http://www.swansea.gov.uk/article/5390/Drainage-and-coastal-management>.
 - 8 With regard to the Culvert, the application is advised to note that the detailed Engineering layouts includes a 900mm piped culvert shown under the Highway, diverting an existing watercourse. This will not be acceptable to the Highway Authority, and may affect future adoption aspirations.
 - 9 With regard to condition 15 (archaeology) please note that the condition cannot be fully discharged until the work is carried and all the archaeological work is completed. The final report is required to be submitted and approved in writing by the Local Planning Authority.
 - 10 With regard to condition 16 (contamination) please note that the condition cannot be fully discharged until the work is carried and the revised Site Investigation Report is required to be submitted and approved in writing by the Local Planning Authority.
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Item 5

Application Number:

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UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2018/2354/FUL	Change of use from residential (Class C3) to 5 bedroom HMO for 5 people (Class C4)	PDE	

APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

RESPONSES TO CONSULTATIONS

Public Response - 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. 110 and 114 Rhyddings Terrace on 19th November 2018. A site notice was also posted within the vicinity of the application site on 19th November 2018.

One letter of objection has been received, which can be summarised:

- Inaccuracies in the planning statement
- Noise disturbance
- Negative impact on social cohesion
- Anti-social behaviour
- Refuse

One petition of objection has been received comprising 31 signatures.

"We the undersigned object to the above planning application on the following grounds:

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
2. *It will affect the general amenity of the area and lead to an already harmful over-concentration of HMOs in the area.*

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- The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed use tenure and sustainable communities)".*

HMO Team - In response to your consultation letter of 19th November 2018, I can confirm that the proposal for the conversion of this property would result in a two storey HMO for five occupiers, which under the Housing Act 2004 comes within the Additional HMO licensing requirements.

As such the owner would need to make an application to licence the property prior to letting. Details are on our website www.swansea.gov.uk/hmolicensing

Description

Full planning permission is sought for the change of use from a residential dwelling (Class C3) to a 5 bedroom HMO for 5 people (Class C4) at No.112 Rhyddings Terrace, Brynmill.

The application property is a two storey mid-terrace currently used as a dwelling house with 3 bedrooms.

Policy and Procedural Matters

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context.

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PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption.

The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

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

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Having regard to the evidence review and the specific circumstances that apply for Swansea, the following elements in particular were integrated into the amended LDP Policy H9:

- A two tier approach that defines a HMO Management Area on the LDP Proposals Map (within which HMOs are limited to 25% of all residential properties), and a threshold of 10% to apply elsewhere
- A 'radius approach' being applied within a 50m distance of the proposal, to determine levels of concentration
- A 'no sandwiching' approach to avoid properties being isolated between two HMOs
- A specific protection for 'small streets' that are characteristic of some parts of Swansea, and
- Sufficient flexibility in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh any concerns regarding harmful concentration or intensification

Having regard to the comprehensive nature of the amendments made to the Deposit version of Policy H9, and the statement of evidence submitted to the Examination by objectors to its proposed content (including the proposed thresholds for 'over-concentration'), it is not appropriate to rely on the policy as a basis for decision making at this stage. The policy, in its substantively amended form, has not yet been subject to statutory consultation, and therefore neither the LPA nor the Examination Inspectors have had the opportunity to review any comments made on the detailed elements. As such, no significant weight can be attributed to the policy at this stage, which includes the proposed thresholds for defining 'over-concentration' levels. In continuing to apply the extant UDP policy (HC5) criteria, due regard can be given to the detailed and up to date evidence base relating to HMO matters that has been amassed in recent years to underpin emerging policy and guidance. This includes understanding existing concentration levels of HMOs within neighbourhoods, the findings of a review of relevant national research, appeal decisions, and the findings of comprehensive engagement undertaken with the public, Universities, landlords, Registered Social Landlords (RSLs), and charity groups. Thus far appeal inspectors have not given this evidence base sufficient weight to justify the dismissal of any appeals for the change of use of a dwelling to a HMO when assessed against current UDP policy, which is a fact the LPA must have regard to as part of its own considerations, including reaching a judgement on whether the proposal would give rise to an unacceptable concentration of HMOs.

Principle of Use

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance

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- The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- There would be no adverse effect upon the external appearance of the property and the character of the locality,
- There would be no significant adverse effect on local car parking and highway safety, and
- Appropriate refuse storage arrangements can be provided

The criterion of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

A large family could occupy the property under the extant lawful use of the premises and it is likely that the overall nature of the use for 5 unrelated individuals would increase the intensity in the use of the building. Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy. There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

It is not considered that the use of the premises for up to 5 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. It is of relevance here that planning permission would not be required for an additional person to occupy the property under the C4 Use Class (for up to 6 people) unless expressly controlled through a planning condition. Whilst a condition could be imposed such a condition would need to be necessary in order to make the development acceptable. Here there are five bedrooms proposed and whilst a further occupier would increase demand and use within the property it is not considered that this would be harmful in this instance. It is, however, considered appropriate to remove permitted development rights in order to control the future nature of the use in relation to extensions. This will ensure that additions to the property which could affect the amenities of neighbouring and future occupiers of the HMO could not be made without planning permission first being obtained.

As such, the use of the property as a 5 bedroom HMO is not considered to result in an increase in noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation

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The study also revealed common problems associated with a high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

From viewing the Council's own HMO register there are 36 properties on Rhyddings Terrace which are registered HMOs and two properties which have planning approval to convert to a HMO but are not on the register, and there are 95 individual properties including flats on Rhyddings Terrace. The street percentage of HMOs would therefore change from approximately 40% to 41% on approval and implementation of the application. It is noted that there is already a high level of HMOs in the street and the surrounding area. However it could be argued that given the existing high concentration the character of the street has already changed with regard to the number of HMOs relative to residences.

It is clear that approval of the application would result in the addition of a further HMO in an area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no cogent evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal. In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would *"not cause any material harm to the character and amenity of the area"*. Furthermore the Inspector stated; *"whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area"*. At 96 King Edwards Road (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it.

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On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

On consideration of the change in the percentage of HMOs in the street within an already highly concentrated area, the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal complies with the aims of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality

The proposal does not include any external alterations and therefore would not result in any adverse effect upon the character of the locality.

There would be no significant adverse effect on local car parking and highway safety

The Authority's Adopted SPG Parking Standards requires that a HMO should have 3 onsite parking spaces for up to 6 bedrooms with one additional space per additional bedroom. The proposed use would therefore have a requirement for 3 parking spaces. Account is taken however, of the fact that the existing 3 bedroom dwelling house currently generates demand for 3 spaces for which none are currently provided. Furthermore the site is in close proximity to the Uplands district centre, major bus routes and will provide storage onsite for bicycles.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

Appropriate refuse storage arrangements can be provided

The refuse storage can be provided within the existing outbuilding.

Response to objectors

The issues raised in respect of social cohesion, high concentration of HMOs, increased noise, disturbance, refuse and anti-social behaviour are addressed in the above report. The proposal is also considered to comply with the aims of The Future Generations Act 2015 and Planning Policy Wales (Edition 10, December 2018). The concerns raised about the inaccuracies in the applicants planning statement are noted, however the application has been assessed based on the actual situation on site.

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs.

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These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"*

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice"*. The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO.

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The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for upto 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"...* *"The proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO.

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In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Avenue - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."*

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated *"The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type."*

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The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "*Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it.*" The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated "*whether or not a proposal is harmful depends on planning judgement*". He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: "*whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users*". The appeal was allowed.

199 St Helens Avenue, Brynmil - APP/B6855/A/18/3200196 - 2018/0161/FUL - 22 January 2018

This appeal related to a proposal for a 6 person HMO and the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities.

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The inspector made similar conclusions as to the cases at No. 57 and 124 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns over increased parking pressures the inspector stated *"Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others."* The appeal was allowed.

30 St Albans Road, Brynmill - APP/B6855/A/18/3208762 - 2018/0954/FUL - 22 August 2018

This appeal related to a proposal for a 5 person HMO and again the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The Inspector did give consideration to the evidence base of the not yet adopted HMO SPG and the recommended 25% maximum threshold for HMOs in Brynmill. However the Inspector concluded that *"as the SPG has not been adopted, I give little weight to the suggested thresholds."* Whilst it was acknowledged that there is a potential impact from incremental and cumulative high concentrations of HMOs in a local area, it was concluded that *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses."* Furthermore it was not considered that there would be a significant adverse effect on the local community in regard to anti-social behaviour, litter, refuse or parking. The appeal was allowed.

6 Lewis Street, St Thomas - APP/B6855/A/18/3210181 - 23 November 2018

The appeal related to a proposal for a 5 bedroom HMO for 5 people and the inspector considered that the main issue was whether the development conflicted with local policy designed to secure and maintain safe and sustainable communities. The inspector quoted the existing policy (HC5) and also noted that the Council had produced, but not yet adopted, supplementary planning guidance designed to aid the application of Policy HC5. Whilst noting this the inspector gave little weight to the SPG. In terms of the use the inspector stated "I acknowledge that the appeal property could be suitable for family use. However, the proposed HMO use would be a residential one and it would not, to my mind, significantly affect the character of the area nor have any significant effect on the number of family homes in the area given that HMOs are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals". The inspector did not consider that the level of activity generated by a five person HMO would be so significantly different from a large family so as to cause significant harm to residential amenity. The inspector noted the sustainable location of the site and did not disagree with the conclusion reached by the Highway Authority in relation to trip generation/car parking. In conclusion the inspector stated "I conclude on the main issue that, although the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the living conditions of local residents or the sustainability of the wider community." Conditions were imposed to limit the number of residents, remove permitted development rights relating to future extension and secure details of cycle and refuse storage. The appeal was allowed.

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Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 5 bedroom HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

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

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: Wheelie bin storage, bicycle provision received on 3rd November 2018. Site location plan, proposed ground and first floor plan received 9th November 2018.

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

- 3 Prior to the first occupation of the development hereby approved, the secure and undercover storage for a minimum of five bicycles and the refuse storage facilities as described in the documents; wheelie bin storage, bicycle provision received on 3rd November 2018 shall be available for the beneficial use of the residents and shall thereafter be retained and not used for any other purpose.

Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.

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- 4 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected to the property without the benefit of planning permission.

Reason: In order to control the nature of the use and property as a HMO to protect the amenities of neighbouring and future occupiers.

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: Policies EV1, EV40, AS6 and HC5
 - 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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UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2018/2392/FUL	Change of use from residential (Class C3) to a 3 bedroom HMO (Class C4)	PDE	

APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

RESPONSE TO CONSULTATIONS

Public Response - 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 No.1 Bay View Terrace on 13th November 2018. A site notice was also posted within the vicinity of the application site on 20th November 2018.

One letter of objection has been received, which are summarised below:

- Parking
- Noise and disturbance
- Inaccurate plans
- The rear path should not be blocked by bike or bin storage
- No amenity space for occupants
- Negative impact on social cohesion
- Insufficient bike and bin storage

Two petitions of objection have been received, the first comprising 37 signatures and the second 5 signatures. The reasons for the two petitions are the same and are stated below:

"We the undersigned object to the above planning application on the following grounds:

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
2. *It will affect the general amenity of the area and lead to an already harmful over-concentration of HMOs in the area.*

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3. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed use tenure and sustainable communities)".*

HMO Team - With regard to this application, the property has never been inspected by this Section as it has not previously been an HMO property. However, the plans provided do not show an acceptable means of escape route as the stairs are exiting directly into the living room.

The applicant will need to carry out all works required to bring the property up to standard for HMO purposes and it is recommended that they contact this department prior to starting any works. Also the property will need to have an additional HMO licence and this must be applied for prior to occupation.

Following a discussion with the applicant a revised comment was provided:

Just to advise and update you that I've spoken to Alex Allen, the owner of this property, regarding the means of escape from the first floor bedrooms.

It has been agreed that he will partition the stairs across to separate them from the living room at ground floor level to provide a safe and suitable means of escape from the first floor bedrooms. This resolves the concerns I had regarding this particular issue.

Amended Plans

Amended plans were received to show an alteration to the internal layout as per the HMO Team's comments above. An amendment was also made to relocate the bike and bin storage as this was originally placed outside of the site. It was not considered that these amendments increased the impact of the scheme to warrant a re-consultation.

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 3 bedroom HMO (Class C4) at No. 1A Bay View Terrace, Brynmill.

The application property is an unusual two storey end of terrace that was possibly constructed as an extension to the original terrace, and is currently used as a dwelling house with 2 bedrooms.

Policy and Procedural Matters

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan.

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This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019.

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The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

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

- A two tier approach that defines a HMO Management Area on the LDP Proposals Map (within which HMOs are limited to 25% of all residential properties), and a threshold of 10% to apply elsewhere
- A 'radius approach' being applied within a 50m distance of the proposal, to determine levels of concentration
- A 'no sandwiching' approach to avoid properties being isolated between two HMOs
- A specific protection for 'small streets' that are characteristic of some parts of Swansea, and
- Sufficient flexibility in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh any concerns regarding harmful concentration or intensification

Having regard to the comprehensive nature of the amendments made to the Deposit version of Policy H9, and the statement of evidence submitted to the Examination by objectors to its proposed content (including the proposed thresholds for 'over-concentration'), it is not appropriate to rely on the policy as a basis for decision making at this stage. The policy, in its substantively amended form, has not yet been subject to statutory consultation, and therefore neither the LPA nor the Examination Inspectors have had the opportunity to review any comments made on the detailed elements. As such, no significant weight can be attributed to the policy at this stage, which includes the proposed thresholds for defining 'over-concentration' levels. In continuing to apply the extant UDP policy (HC5) criteria, due regard can be given to the detailed and up to date evidence base relating to HMO matters that has been amassed in recent years to underpin emerging policy and guidance.

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This includes understanding existing concentration levels of HMOs within neighbourhoods, the findings of a review of relevant national research, appeal decisions, and the findings of comprehensive engagement undertaken with the public, Universities, landlords, Registered Social Landlords (RSLs), and charity groups. Thus far appeal inspectors have not given this evidence base sufficient weight to justify the dismissal of any appeals for the change of use of a dwelling to a HMO when assessed against current UDP policy, which is a fact the LPA must have regard to as part of its own considerations, including reaching a judgement on whether the proposal would give rise to an unacceptable concentration of HMOs.

Principle of Use

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- There would be no adverse effect upon the external appearance of the property and the character of the locality,
- There would be no significant adverse effect on local car parking and highway safety, and
- Appropriate refuse storage arrangements can be provided

The criterion of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, it is acknowledged that the proposal results in an increase of one bedroom to provide a three bedroom property. A family could occupy the property under the extant lawful use of the premises (i.e. 2 bedroom dwelling) and it is likely that the overall nature of the use for 3 unrelated individuals would increase the intensity in the use of the building. Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy.

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There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

It is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

In regard to the residential amenity of future occupants, it is considered that the proposed floor plans would allow sufficient space. It is noted that the occupants would not have an access to any external amenity space. Whilst this is not desirable account must be taken of the fact that the existing dwelling already lacks any external amenity area. Furthermore a small scale HMO such as that applied for could be considered a similar style development to a flat, which often lacks external amenity areas.

As such, the use of the property as a 3 bedroom HMO is not considered to result in an increase in noise and disturbance which could reasonably warrant the refusal of this application. It is considered reasonable to restrict the use to the number of occupiers applied for (3) given that the scale of the property would not be appropriate for more than 3 occupiers. Subject to a condition in that respect it is considered that the proposal will respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study also revealed common problems associated with a high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

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From viewing the Council's own HMO register there are 9 properties on Bay View Terrace which are registered HMOs, and there are 35 properties on Bay View Terrace. The street percentage of HMOs would therefore change from approximately 26% to 29% on approval and implementation of the application. It is noted that approval of the application would increase the number of HMOs in the street and that there is already a high concentration of HMOs in the wider Uplands Ward. However, whilst this is the case there has been no cogent evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal. In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would *"not cause any material harm to the character and amenity of the area"*. Furthermore the Inspector stated; *"whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area"*. At 96 King Edwards Road (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it. On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

On consideration of the change in the percentage of HMOs in the street within an already highly concentrated area, the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal complies with the aims of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality

The proposal includes a bike storage area to the side of the property accessed from the side lane. It is not considered that the enclosure of this area to create a secure bike store would result in any harmful impacts on either the character of the host property or visual amenities of the wider area.

There would be no significant adverse effect on local car parking and highway safety

The Authority's Parking Standards SPG requires that HMO properties have 3 car parking spaces for up to 6 sharing and 1 space per additional bedroom.

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The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. In terms of the SPG the proposed 3 bedroom 3 person HMO would generate a requirement for 3 onsite parking spaces.

It is noted that there are currently no parking facilities on site and the dwelling has next to no external space, and no amenity area. The existing dwelling given its 2 bedroom creates a requirement for 2 parking spaces and therefore the approval of the HMO would result in a shortfall of one space on site. However the site lies within walking distance of a range of facilities at Uplands District Centre and provision can be made on site for cycle storage to support sustainability. It is therefore, not considered that the application will result in any adverse effects on local car parking and highway safety.

Appropriate refuse storage arrangements can be provided

The existing property has no external area for bin storage and therefore it is considered acceptable for the bins to be kept within the dwelling in this instance.

Response to objectors

The issues raised in respect of social cohesion, high concentration of HMOs, amenity space for future occupants, increased noise and disturbance behaviour are addressed in the above report. The issue raised in terms of the siting of parking, bike and bin storage facilities have been addressed above. It is noted that the plans are not dimensioned or to scale, however for the purposes of determining this application the indicative floor plans are acceptable in setting out the nature of the use and its layout. The application is considered to be compliant with the aims of The Future Generations Act 2015 and Planning Policy Wales (2018, Edition 10).

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable."*

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However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice"*. The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

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8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for upto 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"... "The proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Avenue - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area."*

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The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it." The appeal was allowed.

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26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated "*whether or not a proposal is harmful depends on planning judgement*". He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: "*whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users*". The appeal was allowed.

199 St Helens Avenue, Brynmill - APP/B6855/A/18/3200196 - 2018/0161/FUL - 22 January 2018

This appeal related to a proposal for a 6 person HMO and the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The inspector made similar conclusions as to the cases at No. 57 and 124 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns over increased parking pressures the inspector stated "*Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others.*" The appeal was allowed.

30 St Albans Road, Brynmill - APP/B6855/A/18/3208762 - 2018/0954/FUL - 22 August 2018

This appeal related to a proposal for a 5 person HMO and again the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The Inspector did give consideration to the evidence base of the not yet adopted HMO SPG and the recommended 25% maximum threshold for HMOs in Brynmill. However the Inspector concluded that "*as the SPG has not been adopted, I give little weight to the suggested thresholds.*" Whilst it was acknowledged that there is a potential impact from incremental and cumulative high concentrations of HMOs in a local area, it was concluded that "*the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses.*"

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Furthermore it was not considered that there would be a significant adverse effect on the local community in regard to anti-social behaviour, litter, refuse or parking. The appeal was allowed.

6 Lewis Street, St Thomas - APP/B6855/A/18/3210181 - 23 November 2018

The appeal related to a proposal for a 5 bedroom HMO for 5 people and the inspector considered that the main issue was whether the development conflicted with local policy designed to secure and maintain safe and sustainable communities. The inspector quoted the existing policy (HC5) and also noted that the Council had produced, but not yet adopted, supplementary planning guidance designed to aid the application of Policy HC5. Whilst noting this the inspector gave little weight to the SPG. In terms of the use the inspector stated "I acknowledge that the appeal property could be suitable for family use. However, the proposed HMO use would be a residential one and it would not, to my mind, significantly affect the character of the area nor have any significant effect on the number of family homes in the area given that HMOs are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals". The inspector did not consider that the level of activity generated by a five person HMO would be so significantly different from a large family so as to cause significant harm to residential amenity. The inspector noted the sustainable location of the site and did not disagree with the conclusion reached by the Highway Authority in relation to trip generation/car parking. In conclusion the inspector stated "I conclude on the main issue that, although the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the living conditions of local residents or the sustainability of the wider community." Conditions were imposed to limit the number of residents, remove permitted development rights relating to future extension and secure details of cycle and refuse storage. The appeal was allowed.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 3 bedroom HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

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

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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 received on 8th November 2018. Proposed ground floor plan, proposed first floor plan received on 12th December 2018.

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

- 3 The use of the property as a HMO shall be limited to a maximum of 3 persons at any one time occupying the property in accordance with the internal layout indicated in the approved floor plans received 12th December 2018.

Reason: In order to restrict the use of the HMO to that applied for in order to safeguard the amenities of neighbouring occupiers, provide appropriate internal space to serve future occupiers of the HMO and in order to prevent an over demand for on street parking to the detriment of highway safety.

- 4 Prior to the first occupation of the development hereby approved, the secure and undercover storage for a minimum of three bicycles and the refuse storage facilities as indicated on the proposed ground floor plan and bike storage document received on 12th December 2018 shall be available for the beneficial use of the residents and shall thereafter be retained and not used for any other purpose.

Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.

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: Policies EV1, EV40, AS6 and HC5
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

Planning Committee – 8th January 2019

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UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2018/2471/FUL	Change of use from mixed use retail (Class A1) on ground floor and first and second floor flat (Class C3) to a 5 bedroom HMO for up to 6 residents (Class C4), single storey rear extension and fenestration alterations to front elevation	PDE	
86/0540/03	CHANGE OF USE TO LAUNDRETTE ON GROUND FLOOR.	APP	26.06.1986
82/0448/11	CHANGE OF USE FROM SHOP TO OFFICE	APP	24.06.1982
74/0432/03	CONVERSION TO OFFICES INCLUDING INTERNAL ALTERATIONS	APP	26.07.1974
2007/0083	Change of use of ground floor launderette to ground and first floor offices (Class A2)	APP	11.04.2007

APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

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Application Number:

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RESPONSE TO CONSULTATIONS

Public Response - 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.2, 4, Flat at 4 and Humphrey Lane Studios, Humphrey Street on 23rd November 2018. A site notice was also posted within the vicinity of the application site on 30th November 2018.

One individual letter of objection has been received, which is summarised below:

- Parking issues
- Overconcentration of HMOs

One petition of objection has been received comprising 48 signatures from 49 separate addresses.

"We the undersigned object to the above planning application on the following grounds:

1. *It will affect the general amenity of the area, specifically parking, noise and rubbish.*
2. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed use tenure and sustainable communities)*
3. *It will add to the existing percentage and therefore capacity levels of HMOs in the area."*

Highway Authority

The property, currently mixed use commercial/residential, is situated outside the central core but is still within a highly sustainable location served by excellent transport links and within easy walking distance of a range of amenities. The 1st and 2nd floors are currently arranged as a 3 bed flat.

Prior to the introduction of the C4 classification (for between 3 and 6 persons) in March 2016, up to 6 people could share without the need for planning permission. Supplementary planning guidance, City & County of Swansea parking standards, states that permitted development for up to 6 people sharing facilities will be treated as a large single household with each additional bedroom requiring 1 parking space each. The property currently does not benefit from off street parking and this would remain unchanged as a result of the proposals. With reference to current parking standards, the HMO would require 3 parking spaces, the current use and the fallback position would require the same for the residential use and two further spaces for the commercial use, therefore the number of parking spaces required for sole residential use would be less. The property would be eligible to apply for residents parking permits subject to the guidelines in the same way as the current consented residential use is.

The planning statement indicates that cycle storage will be made available and this is shown on the plans. Its inclusion can mitigate for the lack of parking facilities.

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Despite concerns regarding a general lack of off street parking in the vicinity resulting in high demand for on street parking facilities, based on recent appeal decisions, and furthermore the sustainable nature of the locality, I do not consider that a refusal from highways could be justified at appeal and on that basis I recommend no highway objections are raised to the proposals subject to:

1. The dwelling being used by no more than 6 persons in the interest of highway safety.
2. Cycle parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO.

Description

Full planning permission is sought for the change of use from mixed use retail (Class A1) on ground floor and first and second floor flat (Class C3) to a 5 bedroom HMO for up to 6 residents (Class C4), single storey rear extension and fenestration alterations to front elevation at No. 3 Humphrey Street.

The application property is a two storey mid-terrace currently used as a commercial shop with a residential flat above. The property has a front and rear roof dormer and a part two storey part single storey rear extension.

The application includes the removal, replacement and enlargement of the existing single storey rear extension to facilitate the creation of a larger kitchen. The proposal also includes the replacement of the existing shop front with more traditional residential fenestration details.

Policy and Procedural Matters

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

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At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, the emerging LDP contains a specific policy relating to HMO applications - Policy H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and submitted for Examination. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to: 'put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that, 'LPAs must not delegate the criteria for decisions on planning applications to SPG'.

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The LDP Examination Inspectors clearly articulated to the Council that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included within it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants Litchfields on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the following elements in particular were integrated into the amended LDP Policy H9:

- A two tier approach that defines a HMO Management Area on the LDP Proposals Map (within which HMOs are limited to 25% of all residential properties), and a threshold of 10% to apply elsewhere
- A 'radius approach' being applied within a 50m distance of the proposal, to determine levels of concentration
- A 'no sandwiching' approach to avoid properties being isolated between two HMOs
- A specific protection for 'small streets' that are characteristic of some parts of Swansea, and
- Sufficient flexibility in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh any concerns regarding harmful concentration or intensification

Having regard to the comprehensive nature of the amendments made to the Deposit version of Policy H9, and the statement of evidence submitted to the Examination by objectors to its proposed content (including the proposed thresholds for 'over-concentration'), it is not appropriate to rely on the policy as a basis for decision making at this stage. The policy, in its substantively amended form, has not yet been subject to statutory consultation, and therefore neither the LPA nor the Examination Inspectors have had the opportunity to review any comments made on the detailed elements. As such, no significant weight can be attributed to the policy at this stage, which includes the proposed thresholds for defining 'over-concentration' levels. In continuing to apply the extant UDP policy (HC5) criteria, due regard can be given to the detailed and up to date evidence base relating to HMO matters that has been amassed in recent years to underpin emerging policy and guidance. This includes understanding existing concentration levels of HMOs within neighbourhoods, the findings of a review of relevant national research, appeal decisions, and the findings of comprehensive engagement undertaken with the public, Universities, landlords, Registered Social Landlords (RSLs), and charity groups. Thus far appeal inspectors have not given this evidence base sufficient weight to justify the dismissal of any appeals for the change of use of a dwelling to a HMO when assessed against current UDP policy, which is a fact the LPA must have regard to as part of its own considerations, including reaching a judgement on whether the proposal would give rise to an unacceptable concentration of HMOs.

Principle of Use

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO.

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This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criterion of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

The commercial element of the property is well established as is the flat above. There is little evidence to demonstrate that the use of the property as a HMO, rather than a commercial shop, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. It is noted that the addition of two bedrooms would increase the intensity of the residential use of the building. Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy. Account also must be taken of the fact that the combined lawful retail unit and flat would generate a high level of comings and goings. There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

It is not considered that the proposed extensions and alterations would have any unacceptable overbearing impacts. In terms of overlooking the rear first floor bedroom windows would not directly face private amenity space. Whilst the side bedroom window would look toward the neighbouring rear external area it can be noted that this space is currently overlooked by the existing flat kitchen window. The rear extension is not considered to be of a scale that would result in any unacceptable overshadowing impacts, especially accounting for the fact that both neighbouring properties have commercial units to the ground floor.

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In terms of the amenity of future occupants it is noted that the application is for up to 6 people whilst there are 5 bedrooms depicted on the submitted application plans. It is noted that the property has a good sized kitchen/lounge area that is of a sufficient standard for the number of occupants proposed. Whilst it is not necessarily desirable for bedrooms in these types of properties to be accommodated by more than one person it is not considered that this in itself would be harmful and the ability for any one bedroom to be let to a couple will be down to market factors and there would be a requirement to obtain a HMO Licence. Furthermore the site has a rear amenity space to accommodate space for drying clothes, cycle and bin storage. It is considered appropriate and reasonable, however, to remove permitted development rights for extensions to the property in order to control the nature of the use in the interests of protecting the amenities of neighbouring occupiers and future occupiers of the HMO.

It is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house, or indeed as the historic use of the property. As such, the use of the property as a 5 bedroom HMO is not considered to result in an increase in noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study also revealed common problems associated with a high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

From viewing the Council's own HMO register there is 1 property on Humphrey Street which is registered as HMO, and there are 10 properties on Humphrey Street.

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The street percentage of HMOs would therefore change from 10% to 20% on approval and implementation of the application. It is noted that the existing HMO is a flat above a commercial unit and therefore in terms of the street only 1 HMO will be introduced at ground floor level. It is not considered that the introduction of an additional HMO will result in a significant concentration that will harm the character or social cohesion of the area.

The surrounding streets are popular amongst students, young professionals and family units, due to the close proximity to local amenities, employment and education facilities, leisure/play uses and excellent transport links. The area is also within easy walking distance of Uplands District Shopping Centre and the City Centre of Swansea.

It is clear that approval of the application would result in the addition of a further HMO in an area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal. In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would *"not cause any material harm to the character and amenity of the area"*. Furthermore the Inspector stated; *"whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area"*. At 96 King Edwards Road (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it. On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

On consideration of the change in the percentage of HMOs in the street within an already highly concentrated area, the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal complies with the aims of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality

The proposal includes alterations to the front elevation to remove and replace the existing shopfront with a more traditional residential façade. To the rear of the property there is proposed to be a single storey wrap around flat roofed extension, replacing and expanding upon an existing ground floor rear extension.

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The dwelling itself is a traditional mid-terrace, its original character has been eroded by a front and rear flat roofed dormer and two storey flat roofed rear extension.

The proposed rear extension, whilst having a flat roof lacks visibility from wider public vantages. The extension would project 7.3m from the rear wall of the original dwelling, which exceeds the 7.2m maximum that is usually allowed for single storey rear extensions to traditional terraces. However it is not considered that the extension would have an unacceptable visual impact on the character of the local area. The proposed front fenestration alterations are considered to reflect those of similar dwellings in the local area. Whilst the front elevation would no longer be in keeping with the commercial properties either side it is not considered that there would be any harmful impacts upon on the streetscene.

There would be no significant adverse effect on local car parking and highway safety

The Authority's Parking Standards SPG requires that HMO properties have 3 car parking spaces for up to 6 sharing and 1 space per additional bedroom. The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. In terms of the SPG the proposed 5 bedroom 6 person HMO would generate a requirement for 3 onsite parking spaces.

The existing 3 bedroom flat would generate demand for 3 parking spaces as per the SPG, with an additional 2 spaces for the commercial unit with none currently provided. On this basis the proposal will technically result in a reduction in demand. Taking account of the existing parking circumstances and the sustainable location of the site it is not considered that the proposals would result in any unacceptable impacts on highway safety.

The Authority's Highway Officer has raised no objection subject to the restricting the number of occupants to 6 and for the provision of bicycle storage onsite. It is not considered necessary to restrict the number of occupants to 6 as any additional residents above 6 persons would require a change of use application to a Sui Generis HMO. There is space within the back garden to provide secure covered cycle storage for 6 bikes and this will be secured by condition.

Appropriate refuse storage arrangements can be provided

An area for bin storage can be accommodated to the rear garden, this will be secured by condition.

Response to objectors

The issues raised in respect of parking, high concentration of HMOs, increased noise, disturbance and refuse are addressed in the above report. The application is considered to comply with the aims of The Future Generations Act 2015 and Planning Policy Wales (Edition 10, December 2018).

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Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"*

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice".* The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

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4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for upto 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"... "The proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

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105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Avenue - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."*

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated *"The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area."*

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Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "*Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it.*" The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated "*whether or not a proposal is harmful depends on planning judgement*". He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: "*whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole.*

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Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users". The appeal was allowed.

199 St Helens Avenue, Brynmil - APP/B6855/A/18/3200196 - 2018/0161/FUL - 22 January 2018

This appeal related to a proposal for a 6 person HMO and the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The inspector made similar conclusions as to the cases at No. 57 and 124 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns over increased parking pressures the inspector stated *"Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others."* The appeal was allowed.

30 St Albans Road, Brynmill - APP/B6855/A/18/3208762 - 2018/0954/FUL - 22 August 2018

This appeal related to a proposal for a 5 person HMO and again the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The Inspector did give consideration to the evidence base of the not yet adopted HMO SPG and the recommended 25% maximum threshold for HMOs in Brynmill. However the Inspector concluded that *"as the SPG has not been adopted, I give little weight to the suggested thresholds."* Whilst it was acknowledged that there is a potential impact from incremental and cumulative high concentrations of HMOs in a local area, it was concluded that *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses."* Furthermore it was not considered that there would be a significant adverse effect on the local community in regard to anti-social behaviour, litter, refuse or parking. The appeal was allowed.

6 Lewis Street, St Thomas - APP/B6855/A/18/3210181 - 23 November 2018

The appeal related to a proposal for a 5 bedroom HMO for 5 people and the inspector considered that the main issue was whether the development conflicted with local policy designed to secure and maintain safe and sustainable communities. The inspector quoted the existing policy (HC5) and also noted that the Council had produced, but not yet adopted, supplementary planning guidance designed to aid the application of Policy HC5. Whilst noting this the inspector gave little weight to the SPG. In terms of the use the inspector stated "I acknowledge that the appeal property could be suitable for family use. However, the proposed HMO use would be a residential one and it would not, to my mind, significantly affect the character of the area nor have any significant effect on the number of family homes in the area given that HMOs are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals". The inspector did not consider that the level of activity generated by a five person HMO would be so significantly different from a large family so as to cause significant harm to residential amenity. The inspector noted the sustainable location of the site and did not disagree with the conclusion reached by the Highway Authority in relation to trip generation/car parking.

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In conclusion the inspector stated "I conclude on the main issue that, although the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the living conditions of local residents or the sustainability of the wider community." Conditions were imposed to limit the number of residents, remove permitted development rights relating to future extension and secure details of cycle and refuse storage. The appeal was allowed.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 5 bedroom 6 person HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

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

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: PC18/47/1 planning drawing, PC18/47/2 location plan, PC18/47/3 site plan received on 21st November 2018.

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

- 3 Details of facilities for the secure and undercover storage of six cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.

Reason: In the interests of providing facilities for sustainable transport and general amenity.

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- 4 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected to the property without the benefit of planning permission.

Reason: In order to control the nature of the use and property as a HMO to protect the amenities of neighbouring and future occupiers.

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: Policies EV1, EV40, AS6 and HC5
- 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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