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### **Background Information**

#### **Policies**

##### **LDP - PS1 - Sustainable Places**

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

##### **LDP - PS2 - Placemaking and Place Management**

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

##### **LDP - PS3 - Sustainable Housing Strategy**

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

##### **LDP - IO1 - Supporting Infrastructure**

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

##### **LDP - H2 - Affordable Housing Strategy**

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

##### **LDP - H5 - Local Needs Housing Exception Site**

Local Needs Housing Exception Sites - Sites are allocated at 6 locations for local needs housing to meet an identified social and/or economic need. Development proposals for the allocations exception sites must provide a minimum of 51% affordable housing for local needs and a maximum of 49% enabling Local Needs Market Housing, and comply with relevant policy principles.

##### **LDP - SI1 - Health and Wellbeing**

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

##### **LDP - SI3 - Education Facilities**

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

##### **LDP - SI6 - Provision of New Open Space**

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

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LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

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

LDP - ER2 - Strategic Green Infrastructure Network

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

LDP - ER4 -Gower Area of Outstanding Natural Beauty (AONB)

Gower Area of Outstanding Natural Beauty (AONB) - Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area in accordance with policy criteria. Cumulative impact will also be taken into consideration. Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

LDP - ER8 - Habitats and Species

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

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

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

LDP - ER11 - Trees, Hedgerows and Development

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

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

LDP - T1 - Transport Measures and Infrastructure

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

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### LDP - T2 - Active Travel

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

### LDP - T5 - Design Principles for Transport Measures and Infrastructure

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

### LDP - T6 - Parking

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

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

### LDP - EU4 - Public Utilities and New Development

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

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

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

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

### LDP - RP10 - Sustainable Waste Management for New Development

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

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### Site History

App Number	Proposal	Status	Decision Date
2017/2628/PRE	Pre-application - Residential Development - Construction of 39 dwellings	MIXPR E	28.11.2018
2018/2634/FUL	Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping (Amended plans received)	PDE	

### Procedural

This application is reported to Planning Committee for determination due to the scale of the development meeting the threshold as set out in the Council's Constitution. It has also been subject of a 'call in' request from Local Ward Member Councillor Myles Langstone.

During the processing of the application on 25th April 2019 the Welsh Government notified the Council by letter that the Welsh Ministers had been asked to call in the application for their own determination. The letter set out that Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority.

On this basis the application is reported to Planning Committee for resolution but any formal decision to be made by the Council to approve the application could not be made without authorisation of the Welsh Ministers given this holding direction.

### Site Location

The application site comprises an irregular rectangular field measuring 1.25 hectares, located to the south of Higher Lane and to the east of Beaufort Avenue. The site falls gently downwards in a north to south direction. The site currently comprises of an agricultural field.

The site is bound by a mature hedgerow and Higher Lane to the north, a mature hedgerow, a public footpath and the rear gardens of Beaufort Avenue to the west, to the south by a mature hedgerow and to the east by a mature hedgerow and No.104 Higher Lane. Agricultural fields and the coastline lie to the South.

The site is located within Gower Area of Outstanding Natural Beauty (AONB) and has an agricultural land classification of 3a - Good Quality (Best and most versatile Land).

The site is designated as a 'Local Needs Housing Exception Site' within the adopted Local Development Plan 2010-2025 (LDP).

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## Description

Full planning permission is sought for the construction of 31 residential dwellings with associated road infrastructure, drainage provision and landscaping.

Of the 31 dwellings, 16 (51.6%) are proposed to be for affordable housing, comprising 2 x one bed bungalows, 4 x two bed bungalows, 6 x two bed houses and 4 x three bed houses.

15 (48.4%) are proposed to be for 'local needs' open market housing comprising 4 x two bed houses and 11 x three bed houses. The access to the site is from Higher Lane.

The proposal includes an informal play area / greenspace which will include an earth mound, stepping logs and benches, along with soft landscape elements including bulbs and trees, and would be located towards the southern part of the site.

The existing hedgerow facing Higher Lane on the northern boundary is proposed to be 'translocated' and there is to be a native hedge mix to put along the southern and south west corner boundary.

The application site is essentially to be made up of green infrastructure elements throughout comprising of strong hedgerow boundaries and 'fingers' of green infrastructure seeking to break up the scheme and form links with the surrounding landscape.

The application has been subject to a series of different amendments and additional information throughout its processing and full details of this is provided on the planning file. In terms of submissions the applicant has provided the following information in support of the application:

Design and Access Statement (including supplemental Design and Access Statement  
Planning Statement  
Transport Statement  
Extended Phase 1 Habitat Survey and Bat Assessment  
Badger Survey  
Landscape and Visual Impact Assessment  
Agricultural Considerations Report  
Archaeology Report  
Tree Survey  
Tree Protection Plan  
Affordable Housing Needs Note  
Housing Demand Report  
Natural Resources Material Plan  
Interim Travel Plan

In accordance with the Planning (Wales) Act 2015 and the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 the applicant submitted a Pre-application Consultation Statement (PACS). This set out the original scheme, consultations undertaken with responses received and applicant response.

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## Policy Issues

### National Planning Policy

#### Planning Policy Wales (10th Edition – December 2018)('PPW')

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

#### Well-being of Future Generations (Wales) Act 2015

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

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

#### Technical Advice Notes

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

- 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.

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

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

- 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 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 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:



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- World Heritage Sites
- Scheduled monuments
- Archaeological remains
- Listed buildings
- Conservation areas
- Historic parks and gardens
- Historic landscapes
- Historic assets of special local interest.

**Local Development Plan**

The Swansea Local Development Plan ('LDP') was Adopted in February 2019 and the relevant policies in connection with the proposed development are as follows:

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.

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

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

H5: Affordable Housing – Sites are allocated for local needs housing to meet an identified social and/or economic need.

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

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.

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

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

ER4: Gower Area of Outstanding Natural Beauty (AONB) – Within the AONB, development must have regard to the designation to conserve and enhance the natural beauty of the area.

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

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

RP10: 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.

Three key LDP policies that are directly applicable to this application are listed in full below:

## **H 5: LOCAL NEEDS HOUSING EXCEPTION SITES**

Sites are allocated at the following locations for local needs housing to meet an identified social and/or economic need:

- H 5.1: Land at Monksland Road, Scurlage
- H 5.2: Land to the east of Gowerton Road, Three Crosses
- H 5.3: Land adjoining Tirmynydd Road, Three Crosses
- H 5.4: Land adjoining Pennard Drive, Pennard
- H 5.5: Land at Summerland Lane, Newton
- H 5.6: Land at Higher Lane, Langland

Development proposals for the six allocated Exception Sites must provide:

- A minimum of 51% (the majority proportion) Affordable Housing for Local Needs; and
- A maximum of 49% (the minority proportion) enabling Local Needs Market Housing that meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to “persons with a local connection” to be used as “their only or principal home” and will be formally tied to planning consent by means of legal agreements and/or conditions.

Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of “persons with a local connection” within the Locality will not be permitted.

## **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:
  - a. incorporate active frontages and shopfront designs that make a positive contribution to the streetscene,
  - b. provide appropriate enclosure,
  - c. relate well to the character of the host building,
  - d. do not compromise the ability to deliver priority regeneration schemes.
- xvii. Have regard to the implications for infrastructure and services.

## **GOWER AREA OF OUTSTANDING NATURAL BEAUTY (AONB)**

Within the AONB, development must have regard to the purposes 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.

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Development must:

- i. Not have a significant adverse impact on the natural assets of the AONB or the resources and ecosystem services on which the local economy and well-being of the area depends;
- ii. Contribute to the social and economic well-being of the local community;
- iii. Be of a scale, form, design, density and intensity of use that is compatible with the character of the AONB;
- iv. Be designed to an appropriately high standard in order to integrate with the existing landscape and where feasible enhance the landscape quality; and
- v. Demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

### **Supplementary Planning Guidance**

The following Supplementary Guidance Notes ('SPG') are also relevant:

Places to Live - Residential Design Guide (Adopted January 2014),  
Parking Standards (Adopted March 2012),  
Planning Obligations (Adopted March 2010),  
Planning for Community Safety (Adopted December 2012),  
The Protection of Trees on Development Sites (October 2016),  
Gower AONB Design Guide (2011), and;  
Lighting Scheme Guidance for Gower AONB (October 2010).

### **Responses to Consultations**

Since the application was submitted in December 2018 it has been amended by the applicant to address concerns raised as part of the application process and furnish the Local Planning Authority with additional information.

The original scheme proposed 33 No. dwellings whereas this has been reduced to the current scheme of 31 No. dwellings. Amendments have largely been made to the layout and form of the scheme.

Each phase of consultation has been provided in the report below. Concerns that have been raised by statutory consultees have been addressed throughout the process and so early responses noted below will not be the final response of the consultee. Neighbours and objectors to the application have been kept informed by way of consultations throughout and the different stages of application consultation were as follows:

- Original Consultation of 7th January 2019
- Re-Consultation of 26th September 2019 (reduction in number of dwellings to 31)

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- Further Re-Consultation of 28th January 2020 (Additional and amended plans/reports received)
- Further Re-Consultation of 1st May 2020 (Additional and amended plans/reports received)
- Additional Amended plans/reports received 21st May 2020 but no additional re-consultation with public due to minor changes

### Original Consultation (7th January 2019)

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. 104, 109 and 111 Higher Lane, 5 and 6 Channel View, and 40, 42, 44, 46, 48, 50, 52, 54 and 56 Beaufort Avenue 20th December 2018. A site notice was also posted within the vicinity of the application site and an advert was placed in the local press on 7th January 2018.

672 letters of objection were received and 1 letter of support, the reasons for objection are summarised below:

- Negative impact on character of the local area.
- Negative impact on infrastructure including doctors, dentists and hospitals of the local area.
- Negative impact on local environment.
- Site access will impact highway safety.
- Application is pre-mature as the LDP has not been adopted and under the UDP the site was considered inappropriate for development.
- Does not accord with national planning policy, as it has not been demonstrated that there is an overriding need, there would be no negative impact on local economy if this specific development wasn't taken forward and that there are no other viable alternatives.
- 2500 objections to candidate site as part of LDP demonstrates community feeling.
- Application does not demonstrate need or justify development.
- Application does not assess the impact on the historic environment.
- Loss of amenity area.
- Loss of right of way.
- Site extends outside of the candidate as set out in the LDP.
- Landscaping assessment is not details enough and does not follow best practise.
- Sufficient visual testing from wider public vantages has not been undertaken.
- Potential for land instability.
- The traffic trip generation figures are underestimated and was conducted at the least busy time of the year.
- The bat survey is not sufficiently robust.
- Development will cause flooding.
- Build-up of area will negatively impact tourism.
- Impact on the Costal Path through land instability.
- Unacceptable impact on the Gower AONB, which should not be developed.

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- Increase in traffic in Mumbles and parking demand.
- Housing is not needed in the local area.
- Access lane is unsuitable for site.
- Insufficient school places in catchment area.
- Loss of greenspace.
- Urbanisation of a village.
- Development should not be considered until the Summerland Lane site has been developed.
- Other more suitable development site in the wider area.
- Loss of wildlife, including badgers and life within hedgerows.
- Negative impact on medieval landscape.
- No demand for affordable housing.
- Further traffic on lane will impede emergency services.
- Why can't the affordable housing go into vacant properties in the local area?
- No need from more high end properties.
- Negative impact on coastal landscape.
- Loss of good agricultural land (Best and Most Versatile Land) without justification.
- Criticism of the Authority for considering the application.
- The need for affordable housing does not override the need to conserve and enhance the AONB. AONB would be irreversibly damaged.
- No need is justified for the development of the undeveloped coast.
- Location is not sustainable and therefore not in line with National Policy.
- Development is not compliant with the AONB Design Guide.
- Detrimental impact on the local community.
- Potential damage to neighbouring community through land instability.
- Impact on neighbouring residential amenity through overlooking, overbearing and overshadowing.
- Loss of neighbouring outlook.
- Badger sets have not been considered.
- Constitutes urban sprawl into the countryside.
- Negative impact on air quality.
- Site clearance that was undertaken prior to the submission of the application damaged the local wildlife.
- Dispute the accuracy of the ecological investigations.
- Over-intensification of the site.
- Sets a precedent for future development
- Drainage concerns over surface water and future erosion.
- Accusations that the Council is corrupt.
- Erodes the natural break between the urban, countryside and coastal landscapes.
- Development in terms of layout, scale and house type does not integrate with the local character.
- The application has been carried out in an underhand manner.
- PAC process has not fully or properly addressed the concerns of the residents and the public consultation was not appropriate.
- Boundary on the application is not correct.
- Facilities are not as close as the supporting statements make out.

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- Does not support the dark sky reserve status that the Gower is working towards.
- Increased noise and disturbance.
- Light Pollution.
- The proposed drainage details are inaccurate, insufficient and do not comply with SUDS.
- Subsequent paving of front gardens will result in increased surface water runoff.
- Questions over the validity and capability claims of the pumping station, which is already in a waterlogged part of the site. There is no emergency overflow provided.
- The land has only recently been used for farming but prior to that was more ecologically diverse.
- Scheme offers no compensation for loss of habitat.
- Proposed houses are of a poor design
- Application will contravene the Bowed Ratio
- Concerns that the developer could apply at a later date to reduce the number of affordable houses.
- Risk of pollution to the sea.
- Damage to roads and noise during construction.
- Disparity between the affordable and open market housing.
- Negative impact on social cohesion
- Contrary to the Wellbeing and Future Generations Act

### Gower Society

We have studied this application and request that you consider our findings as follows :

1. This site was put forward under the UDP's previous examination; the Inspector stated at that time 'the site was not appropriate to satisfy local housing needs' and the Gower Society feels that this rationale is the same today.
2. This location is shown on NRW's water maps as being at a high risk of flooding from surface water, which could cause instability to surrounding/adjacent homes, due to works which would be required to make the development safe i.e. drilling into the rocks. In the Applicant's Pre-App NRW stated that no fencing, structures, dwellings should be proposed for this area without a full investigation into the site. This does not appear to have been carried out. There is also concern that additional works on this land could cause a risk to the coastal path stability. NRW's concerns do not appear to have been addressed on this aspect either.
3. The sewerage system is over 'full' capacity and there does not appear to be any details to address this situation.
4. Gower Society has always maintained that it appreciates the need for local housing, however, no records of local housing needs exist within the Council. This has been borne out by other recent developments within Gower where occupation by local residents appears very tenuous.
5. The Applicant has not taken into account that the site is within the ANOB and strict Design Guidelines should be adhered to.



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6. The re-routing of the footpath is a legal requirement, which will take time and might not be successful.
7. Schooling: the local schools within the area are full to capacity, again there is no mention of funding towards additional infrastructure to meet the site's needs. The Applicant has not mentioned the adoption of the roadways, footpaths and amenity areas within the site. Should these not be adopted, then the cost of repairing the road surfaces/footpaths and grass cutting would be down to the individual householder. As it is proposed to have 51% affordable houses - who will pay for their share of the costs?

For the above reasons we formally Object to this application and ask that you take into consideration our concerns.

### **Mumbles Community Council**

The Mumbles Community Council Planning Committee met on 18 February 2019 and considered the application for 33 dwelling on land off Higher Lane

The Committee voted unanimously to object to the application on the following grounds

1. Access and egress to the site is difficult and the development will generate significantly increased traffic with the road network will not be able to cope with.
2. The development has poor access to services and facilities, including schools which is likely to generate increased car use which will be harmful to the environment and not support sustainability.
3. The proposed development will be an over development and over intensification of the site. The development would be contrary to the National Policy that a 'major development' should not be permitted in an AONB.
4. The development will have a significant impact on the AONB and would not preserve or enhance the natural beauty of the AONB
5. The need for affordable housing should not be permitted at the expense of the need to preserve the AONB.
6. The development will have a considerable impact on the enjoyment of the residents, wider community and tourists using the right of way through the site.
7. There would be a loss of the Best and Most Versatile land which should be protected unless an over-riding need to develop the land can be established.
8. Alternative sites are available for development so the need to develop this site is not proven

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### **Councillor**

Oystermouth Ward Member Councillor Myles Langstone has called in the application for determination at the Swansea Planning Committee.

### **Rebecca Evans Assembly Member – 27/01/19**

Ref No: 2018/2634/FUL - Land off Higher Lane, Langland, Swansea

In the past few days I have had several pieces of correspondence from constituents who are expressing opposition to the above planning application. You will recall that I have previously made representations on behalf of constituents expressing concern about the proposals, going back to January 2018.

My constituents make the following key arguments:

- This major development would conflict with 'Planning Policy Wales' (PPW 10), and the principles of sustainable development included in the 'Well-being of Future Generations Act' (2015)
- It would significantly affect the Gower AONB, as the proposed site is an intrinsic part of a fieldscape with outstanding landscape, historical and cultural value
- It could give rise to substantial controversy beyond the immediate area, as permitting "major development" in the AONB, without robust demonstration of criteria explicitly required by National Planning Policy, and without full compliance with International Regulations, including the SEA regulations, would set a legal precedent, and could be contrary to many existing UK and EU case law rulings on such matters;
- This is an area of outstanding natural beauty and an area which a great many people enjoy when out walking. The footpath and the open greenspace it provides represent a significant amenity to the surrounding community and to tourists alike, including regular walkers, who all value the outstanding landscape and seascape vistas and the direct connection to the Wales Coastal Path.
- The application was submitted the day after the close of consultation on the pre-application documents (13th December), just prior to the close of consultation on the LDP Matters Arising Changes and the revised sustainability appraisal (14th December). This was a cause of much frustration to the community.

I would be grateful if these issues could be given serious consideration.

### **Welsh Government**

The Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.

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Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of planning permission by a Local Planning Authority. I am authorised by the Minister for Housing and Local Government to issue such Directions and, in exercise of this authority, I hereby direct your Council, with effect from the date of this letter, not to grant planning permission in respect of:

- a) Application no.2018/2634/FUL referred to in the heading to this letter; or
- b) any development of the same kind which is subject of the application on any site which forms part of or includes the land to which the application relates;

without prior authorisation of the Welsh Ministers.

I issue the Direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

The Direction prevents your Council only from granting planning permission; it does not prevent the Council from continuing to process or consult on the application. Neither does it prevent the Council from refusing planning permission.

Your attention is drawn to article 31 of the above Order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered.

We aim to determine call-in requests within 21 days of receipt of the Officer's Report. To ensure we are able to process the requests as quickly as possible we ask you forward a copy of the Report as soon as it is available. I will ensure you are informed of the Welsh Ministers' decision on whether the application is being called in, as soon as it is made.

Consultee Responses

### Housing Enabling

In response to the attached planning consult 2018/2634, Land off Higher Lane, Thistleboon, Swansea, I can confirm the housing service supports the scheme, it falls within an area of high affordable housing need and this scheme has a majority 51% affordable housing on site.

We support the proposed AH unit sizes, type and location on site. I have discussed the tenure mix and unit size with Coastal the RSL who will be managing the AH units and they confirmed need. The affordable housing units must be DQR compliant, the design and specification must be of equivalent quality to those used in the Open Market Units.

### Education

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

1. **Planning Application: 2018/2634/FUL – Land off Higher Lane, Thistleboon, Swansea.** Residential development – construction of 33 dwellings with associated road infrastructure, drainage provision and landscaping. Comprising of 2 x 1 bed bungalows, 10 x 2 bed bungalows, 12 x 2 bed housing, 5 x 3 bed housing and 4 x 4 bed housing.

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**2. Catchment Schools, capacity and projected capacity**

2.1. The development is in the Oystermouth **Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places <b>January 2018</b>	%	Forecast Number of unfilled places <b>September 2024</b>	%
English Medium Primary	<b>Oystermouth Primary</b>	15	7.01%	5	2.34%
English Medium Secondary	<b>Bishop Gore Comprehensive</b>	176	12.50%	57	4.05%
Welsh Medium Primary	<b>YGG Llwynderw</b>	22	6.90%	4	1.25%
Welsh Medium Secondary	<b>YG Gwyr</b>	119	11.48%	-176	-16.97%

**3. Demountables**

3.1. It should be noted that there are currently one single and three double demountable buildings at YG Gwyr. There is also 1 single demountable at YGG Llwynderw.

**4. SPG Pupil Generation:**

<b>Oystermouth Ward</b>	<b>Total Pupil Numbers</b>	<b>£</b>	<b>Pupil Numbers rounded up/down WM</b>	<b>£</b>	<b>Pupil Numbers rounded up/down EM</b>	<b>£</b>
<b>WM 12.5%</b>			<b>12.5%</b>		<b>87.50%</b>	
Primary	<b>9.61</b>	<b>£99,674.92</b>	<b>1</b>	<b>£10,372.00</b>	<b>8</b>	<b>£82,976.00</b>
Secondary	<b>6.82</b>	<b>£108,083.36</b>	<b>1</b>	<b>£15,848.00</b>	<b>6</b>	<b>£95,088.00</b>
Post 16 provision	<b>1.24</b>	<b>£21,096.12</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>£17,013.00</b>
<b>Total</b>		<b>£228,854.40</b>		<b>£26,220.00</b>		<b>£195,077.00</b>

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**5. Existing Commitments**

School	Pupil numbers	PA – Description
<b>Oystermouth Primary</b>		
	Nil	
<b>Oystermouth Primary Cumulative Totals</b>	<b>Nil</b>	
<b>Bishop Gore Comprehensive</b>		
	10	Former Walkers Crisp Factory
	2	Land at Milford Way, Penlan
<b>Bishop Gore Comprehensive Cumulative Totals</b>	<b>12</b>	
<b>YGG Llwynderw</b>		
	3	Former Bible College
	2	Land Off Summerland Lane, Newton
<b>YGG Llwynderw Cumulative Totals</b>	<b>5</b>	
<b>YG Gwyr</b>		
	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
	1	Land at Vivian Rd / Gower Rd
	1	Land off 16 Frampton Rd,
	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,

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	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
	1	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
<b>YG Gwyr Cumulative Totals</b>	<b>60</b>	

**6. LDP Candidate sites impact**

<b>School</b>	<b>Potential number of units</b>	<b>Est Pupil numbers based on SPG</b>
<b>Oystermouth Primary</b>	<b>0</b>	<b>0</b>
<b>Bishop Gore Comprehensive</b>	<b>2360</b>	<b>519.2</b>
<b>YGG Llwynderw</b>	<b>% of above and other applications</b>	
<b>YG Gwyr</b>	<b>% of above and other applications</b>	

**7. Position of capacity:**

**7.1 Primary:**

7.1.1. **English-medium:** the English medium catchment school currently has very limited capacity (7.01%); and having less than 10% surplus capacity leaves the school with limited flexibility. With the pupils generated from this development, it would then reduce the schools flexibility further.

7.1.2. **Welsh-medium:** the Welsh medium primary school of YGG Llwynderw has current capacity (6.9%), however, the projections are predicting a decrease of unfilled places to (1.25%) in 2024.

**7.2. Secondary:**

7.2.1. **English-medium:** whilst there is currently capacity (12.5%) at Bishop Gore Comprehensive, the projections are predicting a decrease of unfilled places to (4.05%) in 2024.

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7.2.2. **Welsh-medium:** the Welsh medium secondary school (YG Gwyr) based on January 2018 figures had 11.48% unfilled places, however by September 2024 is expected to be over capacity (-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.

## 8. Requested Contribution:

8.1 Providing the information above, the request for a Developer's Contribution from this proposed development is that Education request a full English Medium primary and secondary Developer's Contribution due to the lack of capacity in the Primary and Secondary schools concerned: There will be no request for contributions towards the Welsh Medium Primary and Secondary schools due to the low impact this development will have on these schools and the impact any funds could have on the capacity of the Welsh Medium Schools.

8.1.1. **Primary:** The full contribution for EM primary of £82,976.00 plus indexation is requested towards Oystermouth Primary.

8.1.2. **Secondary/Post 16 Provision:** Education request £95,088.00 English Medium Secondary provision and £17,013 for Sixth form English Medium provision plus Indexation towards Bishop Gore Comprehensive School. Whilst there will be a deficit of Welsh Medium secondary places, the contribution from this development would not be enough to provide the additional infrastructure to support the increase in pupil place, therefore on this occasion there is no request for WM secondary contribution.

8.1.3 The contributions will be utilised to facilitate enhancements to better accommodate the increased pupil numbers and the specific project will be identified at reserved matters.

## Countryside Access Team

Footpath Mumbles 5 (MU5) crosses this site and is affected by the proposed development.

In the first instance, a temporary closure would have to be applied for in the interests of public safety before any works near the path were to commence. It appears that the developer is also looking to divert this footpath on a permanent basis, there is a legal process which needs to be adhered to, to officially move the path onto any new alignment.

The diversion of the footpath as shown on the newest plan actually links to an adopted highway / prowl, so would be acceptable from a rights of way point of view. A previous version of the plan showed the public footpath as ending as a dead end, which was not acceptable. This does not mean that the diversion of the footpath to the route chosen will be acceptable to members of the public and it can be objected to. See below

Due to the fact that the opportunity to walk in the countryside may be lost to a certain extent due to this development, the Countryside Access Team has suggested an extra public footpath that the developer / landowner could dedicate to allow people to continue achieving the feeling of being in the countryside, as they will have had prior to the development taking place. This will also link into the public footpath network and promote sustainable and green travel links.

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The Countryside Access Team has severe reservations with regards to the proposed drainage from the site.

Currently the fields are very wet (after a couple of days of rainfall) and have standing water on them in various areas. This obviously prevents the water from adversely effecting footpath MU2, one of the busiest sections of the All Wales Coast Path. The existing drain that the developers are planning to use is already eroding back towards the all wales coast path and should not have any more water diverted into it. The countryside access team believes that any extra water allowed into this water coarse will exacerbate an already apparent problem. See images

The countryside access team has already spent in excess of £150,000 completing works on the coast path between Limeslade and Caswell, with another £75,000 planned in the near future. We do not want this section of coast path put under any undue pressure.

### **Drainage Officer**

We have reviewed the submitted information and while we have no objection in principle to the proposed development there are some issues that do not appear to have been considered sufficiently as part of the report and therefore we recommend that the application be withdrawn or deferred.

The Drainage and Coastal Management section met the applicants consultant on site to discuss a drainage strategy on 15 November where a possible discharge point was identified. However issues surrounding the condition of the watercourse were also identified that at the present time and in the absence of a scheme to resolve them preclude the Authority from agreeing to a connection. The outfall at the coastal/beach end is clearly eroding backwards (see attached) and as the development's connection represents an increase in flow a scheme to control this risk must be presented/included as part of the strategy along with how it will be secured and delivered as part of the development, this was discussed during the site meeting but does not appear to be within the drainage strategy itself. This issue has also been identified by the Authority's Countryside Access Team where they have identified a the risk to the coastal path.

The section of the report entitled 'Positive Drainage Connection' refers to the channel having a capacity of 600l/s however this is based on gradients alone and doesn't appear to translate to a level within the concrete channel, no assessment has also been carried out of the culvert that crosses underneath the coastal path and whether it is capable of taking the unrestricted flows proposed.

To progress this application any further a proper assessment of the capacity of the concrete channel is required including the existing incoming pipe at the u/s end in combination with the proposed flows from the development site for the whole length of watercourse which is approximately 200 metres along with a scheme to protect

### **Placemaking and Heritage Team**

The above application is for development of 33 no. residential units comprising a mixture of bungalows and 2 storey houses and associated parking and infrastructure.



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Comments:

#### Development Character

- The proposals comprise of a mixture of 1 & 2 storey dwellings which are appropriate to the established character of Higher Lane and the wider locality.
- However the existing dwelling are characterised by generous set-backs from the highway which the proposals do not have. The minimal front garden areas to the proposed dwellings are not characteristic of locality and therefore not considered to be an appropriate design response in this locality.
- The retention of established hedgerows within the site is positive and welcomed to help maintain the rural character of site and help to tie the development into the existing context whilst also minimising the visual impact of development, which is especially important given the presence of surrounding, well used Public Rights of way (PROW) footpaths.
- The majority of the dwellings have a detached or semi-detached nature which are characteristic of the locality and are an appropriate response to the local context. That said there is one instance of a short terraced row of 3 dwellings at plots 1–3 which are not only an incongruous addition to the development but also the streetscene of Higher Lane as well as the wider locality. Terraced dwellings are typically found in built up urban locations and given the semi-rural/suburban fringe location of the site which are typically characterised by lower density dwellings (i.e. detached or semi-detached) within larger plots, the terraced nature of these dwellings is not considered acceptable.
- The building heights plan shows the 2 storey dwellings within the site (excluding those fronting Higher Lane) to be all sited to be fronting the main internal street. However it is noted that there is one pair of bungalows located within the cluster/row of these 2 storey dwellings which results in an odd appearance to this grouping which detracts from the legibility of the streetscene and wider site structure. The visibility of this incongruously sited pair of bungalows from the site entrance exacerbates the detrimental impact in visual terms. This pair of bungalows should therefore be sited in a more appropriate location within the site.

#### Amenity

- A number of the dwellings have undersized gardens which do not meet the absolutely bare minimum standard of being the same size of the footprint of the dwelling they serve. These include plots 1, 2, 3, 4, 21, 30, 31, 32 and 33. This approach is not acceptable and all garden sizes should be increased to meet this standard as an absolute minimum.
- It should be noted that with the exception of plot 21, all of the unacceptably garden sizes relate to the plots fronting on Higher Lane and as such the approach to the layout of this area will need to be reconsidered.
- In addition to the unacceptably small gardens highlighted above it is noted that the gardens of plots 11, 16, 19 and 20 are on the threshold of the absolute minimum acceptable standard. With regards to plot 11 there are further points of consideration in relation to the large and 2 storey nature of this dwelling and its close proximity to the retained hedgerow behind as well as the triangular garden size which measures barely 3m at its shortest depth, 6m at its midpoint depth and 10m at its longest depth.

Taking these points onto consideration also, this garden area is also not considered to be acceptable to serve the proposed size of dwelling on this plot.

- Due to the minimal garden depths of plots 21 & 22 (8m depth) and the layout of the plots to the rear, the rear of these dwellings lie in extremely close proximity to the side of the dwelling at plot 20 (9m and 9.5m respectively to this side). Given that there are windows to habitable rooms to the rear of the dwellings at plots 21 & 22 and also to the side of the dwelling at plot 20 there will be significant overlooking impacts between these dwellings, particularly from the 2 storey dwellings at plots 21 & 22 to the bungalow at plot 20. This is not acceptable.
- In addition to this the close proximity and height/storey relationship between these dwellings there will likely be an unacceptable overshadowing impact from the 2 storey dwellings to the bungalow also. Again this highlights the unacceptably tight/close relationship between these dwellings.
- Furthermore it is noted in the Residential Design Guide SPG that a back to side relationship between 2 dwellings should be a minimum of 12m between proposed dwellings (para. 15.16 (pg. 63)) in order to avoid an overbearing impact on habitable rooms. The relationship between plots 21 & 22 to plot 20 therefore results in an unacceptable overbearing impact also.
- It is noted that there are 2 areas of open space proposed to the development. The first of these is located in the south western corner of the site and is labelled on the plans as a 'Community Orchard' comprising of a few formally planted rows of small trees, however this is tucked behind a proposed foul pumping station and between existing hedgerows to be retained. Given the fringe and disconnected location of this space from the remainder of scheme, its uncomplimentary relationship to the proposed foul pumping station as well as the lack of overlooking from dwellings to this, there are concerns with regards to the quality of this space and how it will be used, given that it appears to be left over space which is poorly integrated into the scheme.
- Considering the central, linear green space this is well located however it is narrow and tucked between the main access street and a shared access drive and thus not particularly useable for many recreational activities. As a part of any subsequent amendments this space should be increased in size/width in order to provide a more useable space for the benefit of future residents.
- The dwellings at plots 18, and 28 & 29 are wedged between parking areas which detract from the character and appearance of these dwellings and the wider layout as well as raising concerns with regards to the impact upon the amenity of these dwellings from vehicle movements to a from these spaces.

#### House Types & Designs

- It is noted that there are 9 different house types proposed for this development (letters A – J , excluding I) and with the variations of both the B & F types with different roofs this results in a total of 11 different house types which is highly excessive for a scheme of 33 dwellings and results in a confused character and appearance to the scheme. The number of house types therefore needs to be reduced and rationalised as a part of a comprehensive redesign which addresses all of the concerns raised.
- It is noted that the proposed dwellings are to be finished predominantly in 2 different colours of render which would help to provide some variation in the scheme whilst also retaining an overall sense of unity to the character.

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However it is noted that there are what appears to be 3 randomly chosen units which are to be finished in another additional render colour and questions are raised as to this approach? Either the colour palette should be reduced to 2 colours or the increased to 3 colours but with a more even spread/balance between the colours throughout the scheme.

- The proposed dwellings have traditional house forms with pitched roofs and materiality, however it is proposed to incorporate an uncharacteristic mixture of non-traditional full height windows (and Juliet balconies in some instances) as well as other smaller window sizes. This results in a confused character and appearance to all of the proposed dwellings which does not reflect the character of existing traditional dwellings in the locality or the wider area. This approach has not been justified and is not considered acceptable.
- In addition to this the proposed mixture of windows (and Juliet balconies) on all of the elevations results in an unbalanced appearance to these which is not considered acceptable.
- The dwellings in the row at plots 12 – 15 are the only dwellings with 2 storey, central gable features, which are an incongruous addition to the remainder of the scheme and diminish the sense of unity between the various dwellings. It is noted that it is also proposed to finish these in weatherboard which is the only use of this material on site and further exacerbates the incongruous character and appearance of these features.
- The roof forms of the dwellings on plots 8 & 9 do not match between the plans and elevations.

In summary there are a number of concerns with regards to the layout which when considered as a whole suggest that the current proposals represent an overdevelopment of this site. By reducing the number of dwellings on the site and providing additional plot sizes for the remaining dwellings as well as sufficient 'breathing space' between these and the plots generally, this will make addressing the highlighted layout issues easier to address. Given the concerns with regards to the quality of the public open space provided as well as the relative isolation of the site in walking terms, the revised layout should be developed around a centrally located and useable green space.

Considering the house types, there are a number of concerns with regards to the current design approach to these due to the number of different types proposed which diminish the sense of unity and place within the scheme. Further to this, the confused approach to the pattern of fenestration as well as the occasional addition of incongruous features and materials further diminishes the sense of unity and place within the proposed development. The house types should therefore be rationalised and if a more contemporary approach to these is sought then these should be justified in a supporting statement clearly setting out the rationale for these choices against a clear analysis of the wider context of the locality.

Therefore as the proposals currently stand, these are not considered acceptable in design terms and are recommended for refusal. In order for the proposals to be supported in design terms these will need to address all of the above concerns and this will require a number of amendments to both the layout and house types in order to achieve this.

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### NRW

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the condition listed below. Otherwise we would object to the proposal.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

### Gower AONB

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we wish to highlight that the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We note the submission of the document entitled; 'Landscape and Visual Statement', dated 8 November 2018, by Soltys Brewster Ltd. Along with the; 'Zone of Theoretical Visibility (ZTV) Drawing (Figure No. 1873201 - SBC - 00 - NA - GA - L - 103 - P01)', also dated November 2018.

In our recent statutory pre-application consultation response for the above site (dated 6 December 2018), we requested that additional photographs/photomontages should be provided in order to support the Landscape and Visual Statement.

We have reviewed the additional information submitted with the application, which comprises of photographs from three viewpoints, and wish to point out that the photographs do not appear to be taken in line with: Landscape Institute Advice Note 01/11 - Photography and photomontage in landscape and visual impact assessment.

Furthermore, as the photomontages have not been provided, it is unclear whether the proposed design and site layout will have a negative impact on the AONB.

Therefore, your Authority may wish to consider that a revised Landscape and Hedgerow Management Plan, may be required in order to minimise any negative impacts.

In addition, given that the proposal lies within the AONB and that areas of open countryside extend to the south, we advise that the potential effects of increased lighting on the AONB should be minimised, through careful design and the provision of a detailed Lighting Plan / Strategy, which deals with both the ecological and landscape aspects highlighted in this letter.

The Landscape and Visual Statement contends that there would be no significant effects on landscape character and visual amenity and that the proposal does not conflict with policy.

However, we would remind your Authority that the AONB policy requires the conservation and enhancement of natural beauty. Policy EV26 of the Swansea UDP states that within the Gower AONB the primary objective is the conservation and enhancement of natural beauty.

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The proposed Policy ER4 of the Deposit LDP states that within the AONB development must have regard to the purpose of the designation. In addition, criterion (v), states that development must demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

We would advise that you discuss the current proposed design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current proposal has met these tests and whether the current proposal is a design and layout which is in-keeping with the character of the AONB and which minimises any adverse effects.

#### Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, the document entitled; 'Drainage Strategy: Proposed Residential Development Thistleboon, Swansea (Ref: 18051/D100A)', dated November 2018, by Shear Design, indicates that for this application, surface water is to be discharged to an existing watercourse.

Therefore, providing this remains the case, and as the drainage system design is ultimately a matter for your Authority Drainage Engineers, we would advise that you consult them, to ensure that they are satisfied with the proposals.

#### Ecology and Protected Species

We welcome the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

We note that the surveys were conducted on the 30 May and 12 July 2018 and sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer'.

#### Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

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Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

We also advise that your Authority may wish to request the provision of a Lighting Strategy (as mentioned previously), in order to avoid any light spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Langland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200m south of the site.

#### Protected Sites

The Langland Bay (Rotherslade) SSSI is a geological site and is located a short distance from the proposed development. Providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented and followed, we do not anticipate any impacts to the site.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/businesssectors/planning-and-development/our-role-in-planning-and-development/our-role-inplanning-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.

#### Strategic Planning Team

##### Appraisal

[The extant UDP is scheduled to be replaced by the LDP within weeks, and therefore the following appraisal focusses on the relevant policy framework set out in the replacement development plan as modified by the binding recommendations known as 'Matters Arising Changes' (MACs) in the Inspectors Report]

In terms of the principle of development at this location, the site lies adjacent to the settlement boundary as defined within the Swansea UDP, however the sites status has changed significantly and is now subject to a specific allocation, within the settlement boundary.

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The application site is referenced under LDP Policy H5 'Local Needs Housing Exception Sites' as 'H.5.6 Land at Higher Lane, Langland' (as proposed for amendment via MAC 179-180). It is one of six sites allocated for local needs housing to meet an identified social and/or economic need. The Policy seeks to deliver both Local Needs Market Housing and Affordable Housing for Local Needs, specifically in order to meet the identified need in the Gower, Gower Fringe and West Strategic Housing Policy Zones.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability. The minority local needs 'market' housing permitted by the Policy is not solely focused on addressing issues of affordability. Issues of affordability are clearly addressed through the minimum 51% of the scheme which is to provide affordable housing for local needs. The manner in which the local needs 'market' element of the allocations will meet need local is: firstly, by ensuring that the nature of the homes to be delivered will provide opportunities for those households who require assistance in accessing the market; and secondly, by applying local occupancy criteria to initial and subsequent purchasers of the dwellings. The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted. Having regard to the proposed ratio of affordable housing and market housing detailed in the scheme, the applicant has met this particular requirement of Policy H5.

LDP Policy PS 1 (as proposed for amendment by MAC 117-118) 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. As set out above, the proposed site is within the settlement boundary and development at this location would therefore in principle be in accordance with the Plan strategy.

LDP Policy H2 (as proposed for amendment by MAC 173) sets out the Plans Affordable Housing Strategy that seeks to deliver a minimum 3,518 affordable homes over the Plan period through the following measures through a variety of measures. This includes the allocations for local needs housing exception sites (i.e. under Policy H5), which will deliver local needs affordable housing as a majority proportion of homes on such sites, supported by minority element of market housing to meet local need.

The site is located within the West Strategic Housing Policy Zone (SHPZ) where evidence shows that housing opportunities for first time buyers and low income households are limited compared to others due to high land values and redevelopment costs. The sites allocated in LDP Policy H5 have been identified to meet local needs housing across the Gower, Gower Fringe and West SHPZs, and as such H5 sites that are located in close proximity to other SHPZs can reasonably be expected to help meet a need for that zone (as well as the zone within which it is located).

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Site H5.6 is located in close proximity to the Gower Fringe SHPZ and will help meet demand in that zone, as well as the West Zone. Evidence underpinning the policy identifies that Oystermouth Ward has a high proportion (>30%) of detached; 4+ bedroom; and 2 bedroom or less housing types. There is therefore a need for 3 bedroom houses and the market element of the scheme needs to address this.

The sensitive location of the site has been acknowledged throughout the site assessment and selection process as part of the LDP process, and was also discussed during the examination of the Plan. To this end, Policy H5 has included modifications introduced following Plan Examination that, having regard to the sensitive location and potential visual impacts of development, emphasise that scheme design should not unacceptably impact on the sensitive nature of the AONB and coastal features. It is noted that a Landscape and Visual Impact Assessment has been submitted as part of the application and consideration must be given to the outcomes of the assessment and how the development integrates into the landscape and consider wider seascape impact and impact on Wales Coast Path. The design, scale, form, layout and height of the development must have regard to the outputs of the LVIA and be of an appropriately high standard to integrate with the landscape and be compatible with the character of the Gower AONB and coastal zone.

LDP Annex 1 (as amended by MAC modifications) provides specific developer key site requirements and site informatives for all sites allocated in the Plan (see below).

Throughout the development of the LDP, including the candidate site assessment stage and discussions during Examination, it has been emphasised that the development needs to be 'low lying' in order to reduce the visual impact on the AONB/cliff path. The scale of the buildings in the current application therefore remains a primary concern. The applicant has shown an awareness of such concerns, and has undertaken necessary scheme reviews, including amending a pre-application scheme to include house types and configurations that meet an evidenced local need, including an increase in the overall number of single storey bungalow type developments on the site.

Notwithstanding this, at present the market element of the scheme only contains 2 bungalows. The applicants own evidence, as produced by John Francis clearly states that bungalows achieve a premium return and therefore there would not appear an obvious financial viability constraint to not including more of that type of unit in the 'market' portion of the development. The introduction of more low lying dwellings has the potential to achieve a more favourable type of development – as envisioned throughout the LDP process when deciding to allocate the site.

Ultimately the Council will need to be satisfied that the necessary balance has been struck between: achieving appropriate design and placemaking standards; meeting local housing needs in a manner which contributes to the sustainability of the local community; ensuring the Council meets its statutory duty in relation to the AONB by mitigating the landscape impact on the AONB; and arriving at a financially viable scheme that allows a development scheme to come forward. I would encourage a continuing dialogue between relevant Council departments and the applicant to ensure a positive outcome in this regard. Should there be any dispute between parties as to the financial viability / deliverability of the scheme (considering any necessary planning obligation/S106 requirements), the applicant should be asked to meet the costs of an independent appraisal from a qualified viability expert who would be able to provide a genuine third party view.



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It should be noted that in order to further comply with LDP Policy H5, a local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as a second home/holiday home. This will address the issue that a significant proportion of dwellings within the ward currently have no usual residents (i.e. are holiday or second homes).

LDP Policy IO 1 (as proposed for amendment by MAC 165-167) will be used to ensure that the affordable housing on the site is retained in perpetuity through the use of Planning Obligations in accordance with the legislative and policy framework provided in PPW, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions).

LDP Policy PS 2 (as proposed for amendment by MAC 181) 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: 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 multi-functional open spaces and enhance the County's green infrastructure network; xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space; and xiv. Ensure no significant adverse impact on natural heritage and built heritage assets.

Policy PS2 Paragraph 2.2.10 states 'There will be particular expectations of quality in areas of valued and distinctive character such as the Gower AONB'. Such a requirement links to Policy ER4 that emphasises the particular issues for consideration for proposals with the AONB.

The Open space Assessment (2016) indicates that Oystermouth ward has a total of total of 2.2ha per 100 head of population of FIT provision within the ward which equates to 0.2ha under the recommended target and there is a significant area of deficiency in the Thistleboon locality. There is therefore a requirement for some provision in the application site. Developments of between 10-200 dwellings would normally be expected to provide a LAP and a LEAP. Ultimately the Council will have to be satisfied that if the applicant does not provided provision within the site, having regard to matters such as scheme viability and the provision of other forms of open space and amenity areas within the vicinity.

Oystermouth ward has 31.7ha per 1000 head of population of Accessible Natural Green Spaces (ANGS); 29.7ha above the recommended target. Nevertheless, the site does not form ANGS and the proposed development would not lead to a deficiency of ANGS within the ward.

The proposals will need to maintain, protect and enhance any ecological networks and features of importance for biodiversity (Policy ER9 refers). The site has mature hedgerow boundaries which contain some mature trees. LDP Policy ER 11 (as proposed for amendment by MAC 251-252) prohibits development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services.

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Further information is required from the applicant in relation as to how the proposal complies with this aspect and how the existing hedgerow would be maintained.

The ecological report indicates presence of bats and the retention of the hedgerows will be important in this regard. The Gower Lighting Guide SPG should be referenced to ensure the potential impact of the development on the AONB and ecology is minimised.

LDP Policy ER 2 (as proposed for amendment by MAC 227-232) highlights the importance of protecting and enhancing existing green spaces that afford valuable ecosystem services, and resisting development that compromises the integrity of such green spaces. The policy is not intended to preclude any form of development on areas of open land. The policy sets out how development proposals should seek to enhance the multi-functional role of green infrastructure and facilitate connectivity, including effective integration within development sites of appropriate green infrastructure. The submitted proposals include the retention of hedgerows, providing a green corridor on the eastern boundary, and a community orchard provides a good example of an integrated measure that provides an additional measure that could enhance ecosystem provision. The observations of the Council's biodiversity team could be sought in this regard.

The developer is also encouraged to also integrate green roofs into the scheme to enhance green infrastructure opportunities.

Having regard to landscaping matters, PPW embeds the principles of the circular economy into design choices, site selection, treatment and associated construction practices and the principles should underpin the principles of development. Paragraph 5.12.4 states that as 'part of site treatment, the cut and fill balance of materials excavated should be assessed so as to avoid the creation of waste which cannot be effectively re-used due to lack of suitable storage facilities, such as 'urban quarries', and re-processing facilities. Developers should design proposals to achieve an earthwork balance by submitting a natural material management plan as part of development proposals which seeks to minimise cut and fill or which may provide for remediation of land elsewhere in the area.' Therefore the Council should request a natural material management plan to accompany any planning application, detailing how any excavated soil will be used in site design.

In accordance with LDP Policy T6 (as proposed for amendment by MAC 295), proposals must be served by appropriate parking provision in accordance with maximum parking standards and highway colleagues should be consulted to ensure the proposal meets those standards. The design and layout of the proposal needs to allow for the safe and convenient movement of people and transport modes, in accordance with LDP Policies T5, with priority afforded to Active Travel. Consideration of this should include consulting with waste management officers to ensure the proposal allows for the access of refuse collection vehicles and personnel (Policy RP9). The proposed layout incorporates the existing PROW, which is a developer requirement having regard to those set out in the LDP Appendix – Annex 1 (see below), and would accord with LDP Policy T7.

Any drainage scheme would have to ensure that there would be no detriment to any water course in accordance with LDP Policy RP3. The Council would have to be satisfied with any submitted drainage strategy in accordance with LDP Policy RP4 (as proposed for amendment by MACs 303-304). Furthermore, sewerage connections and associated drainage infrastructure will have to be in accordance with Policy IO2 and EU 4 (as proposed for amendment by MAC 298).

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LDP Annex 1 (amended as proposed within the MAC Schedule) provides specific developer key site requirements and site informatives for all sites allocated in the Plan. The Appendix provides additional detail to the requirements set out in the site allocation policies and sets out clearly where the Council will require infrastructure to be provided to support development. The Appendix also clearly sets out where Plan policies will require further assessments to be carried out to establish the impact of development of the allocated site in relation to known issues, constraints and designations. The Appendix is supported by the Infrastructure Delivery Plan (IDP), which is a standalone document which does not form part of the plan. The extract for the application site is below. It is imperative that the applicant meets all the requirements listed.

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SHPZ - West

Education

Off-site financial contributions under s106 to existing Primary and Secondary schools in the catchment area, in accordance with Policy SI 3 Education.

Green Infrastructure Network

Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Open Space, Council's open Space Assessment and Open Space Strategy.

Open Space

Provide green infrastructure network throughout the site in accordance with Policy ER 2.

Biodiversity Measures and Environmental Enhancements

Biodiversity and environmental enhancements in accordance with relevant LDP Policies, which may include the requirement to submit and agree ecological management plans. (Policy ER 9: Ecological Networks and Features of Importance for Biodiversity, RP 1: Safeguarding Public Health and Natural Resources, RP 2: Air, Noise or Light Pollution, RP 3: Water Pollution and the Protection of Water Resources).

RP 5: Land Contamination, RP 6: Land Instability.

Transport

PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6 and MU10.

DCWW WWTW

Swansea Bay WwTW: No issues in the WwTW accommodating the foul flows from the allocation.

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DCWW HMA Foul Water - No  
DCWW HMA Clean Water - No  
Compensatory Surface Water Removal – No

Flood Risk - No  
Welsh Language Action Plan - No

SINCS - No

Other Informatives

With Gower AONB and the coastal zone. Consult with NRW. Use the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment to guide the design and development of this site. A Landscape and Visual Impact Assessment will be required at planning application stage to ensure careful integration of site into landscape and consider wider seascape impact and impact on Wales Coast Path. Preferable 'low lying' buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape. See Policy ER 4: Gower Area of Outstanding Natural Beauty (AONB).

Probable Grade 3a agricultural land. An agricultural land classification survey will be required  
Summary

The proposal is a departure to the extant UDP. However this note sets out the circumstances that apply to the site in respect of a new and emerging planning framework (including the Council endorsed Developer Guidance Note and LDP Policy).

The new framework provides a mechanism that would allow a departure to the extant development plan at this location, if the detailed scheme (including details of design and dwelling types to be provided) are otherwise considered consistent with the relevant LDP policy requirements. The LPA will need to be satisfied that the proposal, as well as complying with Policy H5, is also acceptable having regard to the wider planning principles that apply. This includes with reference to placemaking requirements (Policy PS2, LDP Annex 1) and environmental safeguarding (Policies ER2, ER4, ER9 and ER11). Specifically and importantly, the visual impact of the site and the developments integration within the AONB landscape and sensitive coastal location must be a material consideration in the assessment of this application.

Proposals must also provide the necessary planning obligations generated by the development (Policy IO1) if the scheme is to be acceptable.

Subject to meeting the requirements set out above, the proposals provide an opportunity to bring forward a high quality scheme that delivers a significant number of affordable and market homes that will serve to address a particular local need. This would represent a positive and welcome contribution to development needs for the area, on a site that has been endorsed by the Council as being appropriate in principle for such development.

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### Planning Ecologist

#### Bats

At least 5 species of bats were recorded over the site, foraging and commuting, particularly along the western hedge.

The following informative applies:

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 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Pre-construction/site clearance checks for bats must be undertaken (including of any trees destined for felling).

#### Breeding birds

Please note: it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds): -

- 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 clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should be undertaken during the bird nesting season, March to August.

Pre-construction breeding bird checks must be undertaken to ensure no nests have become established in the intervening period, which could be affected by the proposed works.

#### Badger

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

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The 2018 survey report (section 3.20) states that 'Some evidence of use of the wider site by Badger, from latrines, footprints or hairs was noted during the Extended Phase 1 Habitat survey in 2014. However no setts were found. The nearest evidence to the present site was a latrine c60 m to east. No evidence of badger was found on or within 100m of the site during the present survey'.

However, please note that a site visit inspection by the LPA Ecologist on 4 Feb 2019 recorded photographic evidence of badger activity within the site fence. A badger sized entry hole was located under the fence on the eastern boundary. Approximately 18 inches beyond this, an obvious spoil heap was also located. It is not clear, due to recent weather conditions, whether the sett is active or not, or the direction of underground tunnels. There is also abundant evidence of badger digging/disturbance on lawns in the adjacent property. This evidence suggests that the entire site and boundaries require further investigation.

It is important to extend the initial/further surveys beyond the boundary of the proposed development, in order that an assessment can be made of the extent of the badger territory, and to establish whether any setts are currently active.

Therefore, a further in-depth badger survey of the entire site is required to be undertaken and submitted to the LPA.

If setts are found to be active, the ideal objective is to ensure that the development will not result in the loss of setts and fully incorporates the badgers' foraging needs, thereby enabling them to remain in the area and find sufficient food. Appropriate mitigating measures should, therefore, be included within the proposal to facilitate this.

Where development is taking place in the general vicinity of an active sett and there is a risk of accidental damage or disturbance occurring, it is good practice to take the appropriate measures to protect the sett during the construction phase and, in some cases, thereafter. The boundary of a protection zone should be at least 30 metres from the nearest sett entrance. Before any work starts on site, the protection zone should be clearly demarcated by using coloured tape or some other form of obvious visible marking. Scrub and vegetation should not be cleared from the sett area. Furthermore, the creation of a 'buffer zone' of undeveloped land between the nearest gardens and the periphery of the protection zone will further enhance the security afforded to the badgers.

Pre-construction checks for badger setts must be undertaken up to 100m from the development site.

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

### Reptiles

Slow worm, adder and common lizard are likely to be recorded on the site, and are known from within 500m.

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Therefore, please be aware that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792634 960).

Pre-construction checks are required. Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).

To mitigate for loss of reptile habitats, new habitats can be created within buffer strips. These linear features can provide corridors to link other patches of reptile habitat together. Management of field corners could also provide valuable reptile habitat. Reptiles hibernate over winter and are active from February/March to October. During the active period they require vegetation cover so, for management of grassland and scrub, it is best to extend the 'non-cutting season' to coincide with this time.

### Hedgehogs

As they have been recorded locally, there is the potential for hedgehogs to be present in the proposed development area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, the following Informative must be added to any permission granted:

'To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.'

### Habitats

Habitats particularly along the site boundary must be retained to keep bat commuting routes and to ensure connectivity with other habitats. No vegetation must be removed or cut back along this boundary to ensure a dark corridor is retained for bat use.

The valuable habitats (including trees, hedgerows, grassland and scrub) on site should be retained, enhanced and managed to maintain their value.

The field edges are recommended to be retained within the scheme, maintaining a green corridor along the edges in line with local planning policy. These features can be enhanced to create more robust edges which link with hedgerows around the edges of the site, creating a network of strong linear features across the landscape.

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It is considered that there are opportunities within the red line boundary to enhance significantly the diversity of the hedgerows and edge habitats, creating a more naturalised edge to such habitats as well as provide a more diverse species assemblage. These features would benefit a range of species and ensure that landscape connectivity is maintained within the scheme.

#### Hedgerows

There should be a scheme for enhancing and restoring the retained hedgerows and infilling gaps with native species of local provenance. The hedgerows should be managed for biodiversity and to increase connectivity with surrounding habitats. This scheme must be submitted as part of the Landscape and Planting Scheme. A Hedgerow Mitigation Strategy is also required, including a method statement for any hedgerow translocation.

Native hedgerows should ideally be managed on a rotational basis to maintain flower and fruit protection, dense structure, varying heights, and the establishment of standard trees within the hedgerow.

Wherever feasible a strip of grassland and/or tall-herb between 0.5-2m wide should be allowed to develop along either side of the hedge and be managed by cutting 1-2 times per year, preferably with at least some sections cut every other year.

#### Landscaping

As there will be loss of several mature trees, a mitigation strategy is required outlining native (species of local provenance) tree, hedgerow and scrub planting and aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates

However, it is recommended that the edges of the site are retained to support a range of species including birds and small mammals and create dispersal opportunities for a range of species. This will also create more diverse and robust habitat linkages across the site and into the wider landscape.

The hedgerows and site boundaries should be enhanced and any gaps filled to create a more robust habitat edge which provides a greater level of diversity than is currently present. Hedgerows help to provide a layering of different habitats that can be utilised by a wide variety of species. Species that can be planted include blackthorn, hawthorn, hazel, field maple, holly, elder, alder, guelder rose and dog rose.

Hedgerow edges can be planted with herbaceous plants and bulbs. These will attract bees, butterflies and other insects as well as providing ground cover for smaller animals. Seeds that are tolerant of semi-shade and are suitable for sowing beneath newly planted or established hedges should be used eg

- Yarrow (*Achillea millefolium*)
- Agrimony (*Agrimonia eupatoria*)
- Common knapweed (*Centurea nigra*)



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- Wild basil (*Clinopodium vulgare*)
- Hedge bedstraw (*Galium album*)
- Wood avens (*Geum urbanum*)
- Oxeye daisy (*Leucanthemum vulgare*)
- Ribwort plantain (*Plantago lanceolata*)
- Cowslip (*Primula veris*)
- Red campion (*Silene dioica*)

### Lighting

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted to the LPA. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist.

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. The lighting strategy must be placed as a condition on any planning permission granted.

### INNS

An updated pre-construction INNS survey is required together with an INNS strategy for the site. A method statement for removal of any INNS must be submitted for agreement with the LPA.

### Mitigation

Proposed mitigation for any impacts on protected species or habitats must be submitted to the LPA for approval.

### Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'

In addition, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

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Paragraph 2.1 of Tan 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1); and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing. Tree planting and infilling gaps in hedgerows along the site boundary of native species of local provenance is also desirable.

## SUDS

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage onsite surface water. Although this application was received before this date, and the submitted Drainage Strategy () is noted, it is advised that reference is made to the draft Swansea Council LDP. In particular:

### RP 3: WATER POLLUTION AND THE PROTECTION OF WATER RESOURCES

- Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted.
- Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.
- Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for flood plain capacity.
- Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage. There is a wetland area on the southern part of the site where it is recommended that the area is kept and enhanced as a wildlife/attenuation pond.

See also RP 1: SAFEGUARDING PUBLIC HEALTH AND NATURAL RESOURCES.

Further details with Matters Arising Changes (MACS) schedule can be found at:

<https://www.swansea.gov.uk/ldp>

## Green Infrastructure

Draft LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system.

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This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The emerging LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The emerging policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

No comprehensive survey of the sites' green infrastructure provision has been provided. In order to effectively implement draft LDP Policy ER 2, a green infrastructure assessment is required.

### Education – Updated Comments

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

1. **Planning Application: 2018/2634/FUL – Land off Higher Lane, Thistleboon, Swansea.**  
Residential development – construction of 33 dwellings with associated road infrastructure, drainage provision and landscaping. Comprising of 2 x 1 bed bungalows, 10 x 2 bed bungalows, 12 x 2 bed housing, 5 x 3 bed housing and 4 x 4 bed housing.

#### 2. Catchment Schools, capacity and projected capacity

2.1. The development is in the Oystermouth **Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places <b>January 2018</b>	%	Forecast Number of unfilled places <b>September 2024</b>	%
English Medium Primary	<b>Oystermouth Primary</b>	15	7.01%	5	2.34%
English Medium Secondary	<b>Bishop Gore Comprehensive</b>	176	12.50%	57	4.05%
Welsh Medium Primary	<b>YGG Llwynderw</b>	22	6.90%	4	1.25%
Welsh Medium Secondary	<b>YG Gwyr</b>	119	11.48%	-176	-16.97%

#### 3. Demountables

- 3.1. It should be noted that there are currently one single and three double demountable buildings at YG Gwyr. There is also 1 single demountable at YGG Llwynderw.

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4. SPG Pupil Generation:

Oystermouth Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
<b>WM 12.5%</b>			<b>12.5%</b>		<b>87.50%</b>	
Primary	9.61	£99,674.92	1	£10,372.00	8	£82,976.00
Secondary	6.82	£108,083.36	1	£15,848.00	6	£95,088.00
Post 16 provision	1.24	£21,096.12	0	0	1	£17,013.00
<b>Total</b>		<b>£228,854.40</b>		<b>£26,220.00</b>		<b>£195,077.00</b>

5. Existing Commitments

School	Pupil numbers	PA – Description
<b>Oystermouth Primary</b>		
	Nil	
<b>Oystermouth Primary Cumulative Totals</b>	<b>Nil</b>	
<b>Bishop Gore Comprehensive</b>		
	10	Former Walkers Crisp Factory
	2	Land at Milford Way, Penlan
<b>Bishop Gore Comprehensive Cumulative Totals</b>	<b>12</b>	
<b>YGG Llwynderw</b>		
	3	Former Bible College
	2	Land Off Summerland Lane, Newton
<b>YGG Llwynderw Cumulative Totals</b>	<b>5</b>	
<b>YG Gwyr</b>		
	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

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	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
	1	Land at Vivian Rd / Gower Rd
	1	Land off 16 Frampton Rd,
	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
	1	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
<b>YG Gwyr Cumulative Totals</b>	<b>60</b>	

**6. LDP Candidate sites impact**

<b>School</b>	<b>Potential number of units</b>	<b>Est Pupil numbers based on SPG</b>
<b>Oystermouth Primary</b>	<b>0</b>	<b>0</b>
<b>Bishop Gore Comprehensive</b>	<b>2360</b>	<b>519.2</b>
<b>YGG Llwynderw</b>	% of above and other applications	
<b>YG Gwyr</b>	% of above and other applications	

**7. Position of capacity:**

**7.1 Primary:**

7.1.1. **English-medium:** the English medium catchment school currently has very limited capacity (7.01%); and having less than 10% surplus capacity leaves the school with limited flexibility. With the pupils generated from this development, it would then reduce the schools flexibility further.

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7.1.2 **Welsh-medium:** the Welsh medium primary school of YGG Llwynderw has current capacity (6.9%), however, the projections are predicting a decrease of unfilled places to (1.25%) in 2024.

### 7.2. Secondary:

7.2.1. **English-medium:** whilst there is currently capacity (12.5%) at Bishop Gore Comprehensive, the projections are predicting a decrease of unfilled places to (4.05%) in 2024.

7.2.2. **Welsh-medium:** the Welsh medium secondary school (YG Gwyr) based on January 2018 figures had 11.48% unfilled places, however by September 2024 is expected to be over capacity (-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.

### 8. Requested Contribution:

8.1. Providing the information above, the request for a Developer's Contribution from this proposed development is that Education request a full English Medium primary and secondary Developer's Contribution due to the lack of capacity in the Primary and Secondary schools concerned: There will be no request for contributions towards the Welsh Medium Primary and Secondary schools due to the low impact this development will have on these schools and the impact any funds could have on the capacity of the Welsh Medium Schools.

8.1.1. **Primary:** The full contribution for EM primary of £82,976.00 plus indexation is requested towards Oystermouth Primary to contribute towards improving facilities in Foundation Phase and resource areas to increase capacity'.

8.1.2. **Secondary/Post 16 Provision:** Education request £95,088.00 English Medium Secondary provision and £17,013 for Sixth form English Medium provision plus Indexation towards Bishop Gore Comprehensive School to contribute towards amending the toilet provision to comply with Education Premises Regulations 1999 which will need to be under taken to facilitate any increase in pupil numbers at the school. Whilst there will be a deficit of Welsh Medium secondary places, the contribution from this development would not be enough to provide the additional infrastructure to support the increase in pupil place, therefore on this occasion there is no request for WM secondary contribution.

### GGAT

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

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The information in the Historic Environment Record, curated by this Trust, shows that the proposed application is situated in the Gower Registered Historic Landscape (HLW (WGI) 1), specifically within the Thistleboon Fieldscape Character Area (HLCA024), as defined within the Register of Landscapes of Outstanding Historic Interest in Wales. The Historic Landscape Character Area of Thistleboon, was once part of a wider medieval agricultural landscape of clustered settlements, scattered farmsteads and open strip field system integrated with open access to the common land nearby along the cliff tops. The field systems within this Character Area has remained intact and unchanged from the First Edition Ordnance Survey map (1880), apart from the removal of a few field boundaries. A Survey of Important Hedgerows on Gower was undertaken in 2014 by The Glamorgan-Gwent Archaeological Trust (Projects), on behalf of the Gower Landscape Partnership, in which the hedgerows within the area of Thistleboon were deemed to be of considerable significance with the potential of the survival of the pre-1845 field system estimated to be at 75 to 100 per cent. Additionally, a number of prehistoric and Roman finds have also been recovered within the immediate area of the proposed application site.

The proposed application is for the residential development of 33 dwellings to include associated road infrastructure, drainage provision and landscaping. A review of the historic ordnance survey mapping (1880 to 1918) shows that proposed development area has remained relatively unchanged, indicating that the ground has been relatively undisturbed from previous development; consequently there is a possibility for the survival of archaeological remains. We note the application's supporting documents, in particular the Landscape and Visual Statement undertaken by Soltys Brewster Consulting (Dated 8th November 2018), which concludes that the proposed development will not be visible from the Scheduled Ancient Monument Sites (Oystermouth Castle, Caswell Cliff Fort and St. Peters Chapel and Well, Caswell Bay) located within the wider study area (Section 9.0).

However, from the documentation submitted with this application the developers do not appear to have considered the impact of the development on the potential buried archaeological remains or the significant risk that the discovery of such remains could have on the viability of their proposed development. In such circumstances, Planning Policy Wales 2018 (Edition 10) Section 6.1.26 notes that:

*“Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.”*

More detail on this guidance can be found in TAN24 sections 4.7 and 4.8. It is our assertion that a field evaluation is appropriate in this particular case.

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission the required archaeological work. Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the archaeological evaluation has been submitted to your Members.

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We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval.

**Planning Ecologist – Additional Comments**

Badger

In response to my request for further investigation, following a site visit which had revealed more badger evidence, additional survey work was undertaken by Soltys Brewster in Feb 2018 and a new report submitted.

The report concluded that there was evidence of irregular badger activity on the eastern and southern boundaries of the application site re: outlier setts. In addition, pathways and latrines were recorded in the south and east of the site, with activity concentrated in fields and hedgerows. The main sett is possibly located 200m east/SE of the application site on scrub/woodland.

This current survey and the findings of previous surveys has concluded that there is a badger social group present in the local area.

Conditions must therefore be attached to any planning that the Council is minded to approve:

1. The detail given in 4.4 of the Badger Report must be adhered to regarding NRW license required for construction of Plot 27 and car parking spaces for plots 27, 28 and 29 which are only 20-30 metres from the sett.
2. An NRW license will also be required to cover proposed construction work for the access road leading to the southern part of the site.
3. The recommendations outlined in 4.5 of the Badger Report must be adhered to regarding development work, if approved to start in Spring 2020.
4. Pre-construction checks for badger setts must be undertaken up to 100m from the development site.
5. All trenches and excavations must be fenced off or covered-over at night to prevent any badgers (or other animals such as hedgehogs) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped badgers (and other wildlife) each morning before starting construction activities.

Please note the following informative:

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



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Please also see previous response and actions therein. Your attention is drawn to the following: Where development is taking place in the general vicinity of an active sett and there is a risk of accidental damage or disturbance occurring, it is good practice to take the appropriate measures to protect the sett during the construction phase and, in some cases, thereafter. The boundary of a protection zone should be at least 30 metres from the nearest sett entrance. Before any work starts on site, the protection zone should be clearly demarcated by using coloured tape or some other form of obvious visible marking. Scrub and vegetation should not be cleared from the sett area. Furthermore, the creation of a 'buffer zone' of undeveloped land between the nearest gardens and the periphery of the protection zone will further enhance the security afforded to the badgers.

### **Tree Officer**

The Authority's Arboricultural Officer raised no objection to the proposals.

### **Landscaping Officer**

Comments on other external features / means of enclosure/ Rights of Way by others.

Comments on Thistleboon, Swansea, Soft Landscape Plan.

1873201 - SBC - 00 - NA - GA - L – 301.

While I have seen the notes on the drawing as to the relationship of tree pits and root barriers to paved surfaces and services. If the carriageways and pavements are to be adopted please advise and obtain greater levels of detail for comment. I do not have sufficient detail to comment on protection from tree roots from adoption. I note the intention to provide tree pits to 2m deep, this is excessive and depending on the porosity of the non-compressible soils plastic crates used in tree pits could be to the detriment of tree growth.

The proposed planting lacks sufficient variation of species or planting forms with regard to trees and hedges as the setting for homes; A similar planting scheme would work well enough when viewed by passing motorists or in amenity areas.

In general, the proposed translocation of hedging is fine and generally forms external boundaries to the development. Infill planting to include those species described below.

Hedging:

Native hedge planting would benefit from greater variety in the mixture to include *Cornus sanguinea*, *Corylus avellana*, *Euonymus europaeus*, *Quercus robur*, *Rosa canina*, *Sambucus nigra*, *Sorbus aucuparia*, *Viburnum opulus* and occasional *Malus sylvestris* Omit *Cornus alba* and keep *Ligustrum* to approx. 5%

*Ligustrum* as hedging – omit and replace with ornamental shrub (garden) species with greater variety, biodiversity and seasonal variation.

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*Carpinus betulus* is a useful hedging species and would do a job at this location if the ground remains wet after development; however Beech (*Fagus sylvatica*) has greater and persistent year round interest while serving an almost identical function.

The hornbeam does lose its leaves and retains keys over the Winter while Beech has a more attractive colour from Autumn to break of bud in the spring time.

Tree planting:

Street tree planting propose a very limited number of species and in turn most of those species are varietal forms that have regular shapes. In practice, the tree species selection is very limited and to the detriment of the setting of people's homes, the resilience of the planting scheme going forward and in the creation of Place.

*Acer campestre* Streetwise is acceptable at the location shown as it associates well with the adjacent native hedge and is unlikely to cause issues to adjacent pedestrians or house occupiers. Consideration to be given to the underplanting of this frontage to the rear of the adjacent 'wall' fronting Plots 1-6, 28-31; I note this planting could be left to householders and that the roadside hedge will provide visual separation from the highway.

*Quercus ilex* (holm oak) is an evergreen species that develops a wide spreading and very large canopy that would dominate the development to its detriment. It should be used sparingly, if at all on this development. Elsewhere and nearby on Mumbles Hill it has become a maintenance issue as it suppresses native species and is being removed with grant aid.

The large central space should have more informality, diversity and year round interest; in particular the proposed *Sorbus Majestica* in the central area would dominate with a grey colour in early Spring and would provide a formality of fairly regular shapes for the rest of the year and should be omitted from this location, the formality would also be reinforced by the proposed line of *Prunus Sunset Boulevard* planting to the frontages of plots 17-25 (see suggestions below). A more varied and interesting structure and year round character for the central area could include multistem Birch and the occasional evergreen to act as a backdrop to the Birch (being mindful of retaining sight lines and natural surveillance). Do not mix multi stem and standard Birch within the same visual sphere as the former look like they have been damaged and regrown in mixed form planting; As the site is set back from salt laden winds selection of Birch species is largely a matter of taste and for biodiversity consider using native species or cultivars such as *B. pendula*, *B. papyrifera* (Kenaica?), *B. nigra* etc. I understand the current ground conditions are wet but that this is likely to change significantly following development. I note other accent species (*Pinus nigra* – Austrian Pine) and shrub backdrops contribute to the character of the central area that I will address below. The *Sorbus Cardinal Red* is also overspecified on the site, is variable in performance in the area, there are opportunities for using native *Sorbus aucuparia* in the native hedging mix and for other and greater variety of species as free standing trees.

Re tree planting to frontages of plots 17-25 I would suggest planting a number of species that could include the *Prunus Sunset Boulevard*, as well as *Acer Elsrijk*, *Acer rubrum* Scanlon, *Alnus glutinosa* Laciniata, *Alnus Spaethii*, *Crataegus* spp., *Malus trilobata*, *Prunus padus* vars. *Prunus avium* Plena, *Sorbus aucuparia*\* (see note above about limiting use as a standard tree and for inclusion in native hedging.) or similar for autumnal contrasts and seasonal variation.

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Where there is space (not in narrow verges or between parking bays) the planting of larger growing species is to be encouraged e.g. Hornbeam, Sycamore etc.

These suggestions are not meant to be restrictive and should not prevent the designers from specifying other alternatives.

Shrub planting:

A great deal of the shrub level planting is provided by hedging, the native woodland edge / hedgerow planting would benefit from greater diversity. As above the hedging to the frontages of properties is generally limited to *Carpinus betulus* (hornbeam) or *Ligustrum ovalifolium* (Privet). The use of repetitive single species hedgerows between adjacent plots is somewhat mundane. The occasional use of single species hedging with seasonal interest as detailed for the area separating the central space from plots 12-14 by Hornbeam (or an alternative) is logical as is its use to hedges to plots 6 and 31 as an entrance to the development. I understand that the existing ground conditions are wet, but on the assumption that this is going to be mitigated by changes to ground levels Beech (*Fagus sylvatica*) could provide a very similar hedge with greater year round colour (Beech tends to retain its leaves overwinter from the previous year whereas Hornbeam hold their keys but lose their leaves.) I note the wildlife merits of using Hornbeam.

The extent of the suggested use of Privet is excessive and is somewhat reminiscent of older housing estate boundaries of the fifties; there are innumerable evergreen or mixed evergreen and more floriferous deciduous species that create attractive, biodiverse settings for homes to provide delight as well as function. Given that this is a new development and planting will be required to be retained for the time set by condition this proposed style of planting is mundane, where there is an opportunity for variety, diversity, delight and resilience.

The small scale planting associated to individual properties is OK. I note that some shrubs are proposed immediately adjacent the buildings and would suggest a small 'race' or similar between the planting / grass and the buildings to shed water away from the building that may also benefit ongoing maintenance. If there is paving intended around the base of the buildings it should be shown on the plan.

I note the *Cornus elegantissima* between plots 27 and 28 is repeated in 3 blocks; I assume this is an oversight.

I note that S1 and S13 to the base of the entrance pillars could be swapped out for other more vigorous spp. such as *Euonymus Emerald Gaiety*, *Berberis* and *Bergenia* with equal attractive qualities.

### **Re-consultation (26th September 2019)**

Additional and amended plans and reports were received, which included a change to the description of the proposal to reduce the number of proposed dwellings to 31. A full re-consultation of neighbours was made on and the application was advertised by means of three notices placed within the vicinity of the site on 26th September 2019.

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602 additional letter of objection were received and 1 letter of support, the contents of the letters of objection are summarised below:

- Site should be restricted to affordable housing only.
- Housing will not be available to local people
- Negative visual impact on landscape and character of the local area.
- Pressure on local services including schools, doctors surgeries and dentists.
- Lacks suitable urban greenspace
- An inference that this proposal is about making money.
- Building over a right of way
- Lack of parking
- Loss of farmland
- Objection to building on AONB
- Impact on wildlife
- Loss of open space
- More suitable building sites elsewhere
- Does not meet local need
- Buildings are too high for the site
- Impact on highway safety through new layout including traffic, pedestrian impact and egress from existing properties
- Impact on Swansea airport exclusion zone
- Increase in air pollution
- Impact on sewage capacity
- Setting a precedent for future development
- Disruption to residents during construction work
- Current roads aren't suitable for supporting construction
- Impact on Tourism
- Drainage and flooding concerns
- Impact on mental health from loss of greenspace
- Development is not low lying
- Housing will cause pollution
- Authority does not listen to residents
- Empty houses should be used first
- Allegations of corruption against the Council
- Site is laid out for future development of adjacent field
- Landscape and visual impact assessment is inadequate
- Negative impact on SSSI
- Traffic survey is insufficient and inaccurate
- Site is not in a sustainable location
- Screening opinion not done in statutory timeframes and not robust.
- Ancient hedgerows are not sufficiently protected
- Ground instability
- Does not follow the Gower Design Guide
- Housing density not in-keeping with local development
- PPW states major development should not occur in the AONB
- Impact on climate change

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- Does not promote equality, vibrant culture or solve social problems.
- Potential for buildings to cause erosion to coastline
- Loss of right of way
- Removal of waiting area outside of neighbouring house through highway restructuring
- LVIA is unsuitable
- Planners/developers not engaging with the community
- Overdevelopment of site that is not reflective of the character of the local area.
- Concerns over unfairness given neighbouring small scale applications have been refused.
- Loss of view
- Not enough site notices displayed within the local area.

### Gower Society

We have studied this revised application and request that you consider our findings as follows:

1. As far as our Society is concerned there has been relatively minimal change since our letter/objection dated 16th January 2019 and we refer you to specifically to the following paragraphs :
2. This site was put forward under the UDP's previous examination; the Inspector stated at that time 'the site was not appropriate to satisfy local housing needs' and the Gower Society feels that this rationale is the same today.
3. Gower Society has always maintained that it appreciates the need for local housing, however, no records of local housing needs appear to exist within the Council. This has been borne out by other recent developments within Gower where occupation by local residents appears very tenuous.
4. The Applicant has not taken into account that the site is within the AONB, that no satisfactory alternative to the present ancient footpath issue has been found, that to propose two storey buildings on this site represents an extra overbuild on this dense site as well as interrupting long views to the sea from certain angles. Strict Design Guidelines should be adhered to.
5. We have studied the recent excellent professional Report by Lichfields that was commissioned by Mumbles Community Council. They make valid important professional points. We totally support this Report and ask that it be fully appraised.
6. We note the comments by NRW and request that all of their concerns are attended to.
7. It goes without saying that the AONB Design Guide should be followed as well as the lighting guide, a point that the NRW mention. The newly published Carmarthen Bay, Gower & Swansea Bay Local Seascape Character Assessment is also an important document. There is no excuse for not adhering to these documents.
8. Our main concerns still remains that there is a responsibility to "conserve and enhance the natural beauty" of the AONB. There is a duty to place conditions that enhance the area by landscaping and in particular a comprehensive and meaningful tree planting scheme. Any landscape scheme that is approved must be maintained for at least a 10 year period i.e. to maturity. This proposal is yet another incursion in to the AONB and in an area where very little natural beauty remains other than at the coast and with conurbation extending from Caswell to the city centre save, at present, at Limeslade and Bracelet Bays. There are now 25 two story houses that is too much for this location

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We again register our strong OBJECTION to this scheme but that you should make every effort to mitigate the impact upon the area.

### Statutory Consultee Responses

#### Countryside Access Team

With regards to the Countryside Access Team's comments;

- Public footpath MU5 is to be diverted along the street plan of the estate to ensure continued access for the public to the coast path, (MU2)
- A temporary closure of public footpath MU5 will have to be applied for whilst works are ongoing – see previous comments with regards to timescales / costs.
- A new footpath link will be created to link from the bottom of the new estate to public footpath MU3 as detailed in previous correspondence. This will have to be legally dedicated by the landowner.
- The open drainage that the site will link into will be upgraded to ensure that no water overflows the coast path, (MU2), or footpath (MU5) As long as drainage section are happy that nothing will overflow, at all, ever. We are happy
- The culvert under the footpath is to be replaced as discussed in previous correspondence and a section of the coast path will be refurbished to the Countryside Access Teams current project specifications in grit stone concrete. This is to prevent the Countryside Access Team having to dig up this section of path when repair / upgrade works reach this point. As long as drainage section are happy that nothing will overflow, at all, ever. We are happy
- Works will be undertaken by the developer to prevent the coast eroding back towards the coast path MU2 as per the scheme supplied by the developer.
- The countryside access team has also asked for £25,000 s106 contribution towards improvement works on the coast path MU2.

As long as this is what is being agreed to, the Countryside Access team has no further comments.

### Education

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

1. **Planning Application: 2018/2634/FUL – Land off Higher Lane, Thistleboon, Swansea.** Residential development – construction of 31 dwellings with associated road infrastructure, drainage provision and landscaping. Comprising of 2 x 1 bed, 18 x 2 bed, 7 x 3 bed and 4 x 4 bed dwellings. **(1-bed dwellings not included in the SPG calculation).**

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## 2. Catchment Schools, capacity and projected capacity

2.1. The development is in the Oystermouth **Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places January 2019	%
English Medium Primary	<b>Oystermouth Primary</b>	14	6.54%
English Medium Secondary	<b>Bishop Gore Comprehensive</b>	160	11.55%
Welsh Medium Primary	<b>YGG Llwynderw</b>	15	4.70%
Welsh Medium Secondary	<b>YG Gwyr</b>	104	9.73%

## 3. Demountables

3.1. It should be noted, that there are currently one single and three double demountable buildings at YG Gwyr.

## 4. SPG Pupil Generation:

Oystermouth Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
<b>WM 12.0%</b>			<b>12.00%</b>		<b>88.00%</b>	
Primary	8.99	£93,244.28	1	£10,372.00	8	£82,976.00
Secondary	6.38	£101,110.24	1	£15,848.00	5	£79,240.00
Post 16 provision	1.16	£19,735.08	0	0	1	£17,013.00
<b>Total</b>		<b>£214,089.60</b>		<b>£26,220.00</b>		<b>£179,229.00</b>

## 5. Existing Commitments

School	Pupil numbers	PA – Description
<b>Oystermouth Primary</b>		
	Nil	
<b>Oystermouth Primary Cumulative Totals</b>	<b>Nil</b>	
<b>Bishop Gore Comprehensive</b>		
	10	Former Walkers Crisp Factory
<b>Bishop Gore Comprehensive Cumulative Totals</b>	<b>10</b>	
<b>YGG Llwynderw</b>		
	2	Land Off Summerland Lane, Newton

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YGG Llwynderw Cumulative Totals	2	
YG Gwyr		
	4	Beilli Glas, Glebe Road, Loughor
	2	Former Walkers Crisp Factory
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	1	Land Off Summerland Lane, Newton
	4	Land South of Glebe Road,
	1	Land South of Pen y Dre,
	5	Land to North of Bryn-y-Mor Rd
	1	Land to rear of 188 St Teilo St., Pontarddulais
	1	Land off Lon Masarn, Cefn Coed Hospital
	1	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
YG Gwyr Cumulative Totals	24	

## 6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Oystermouth Primary	0	0
Bishop Gore Comprehensive	2360	519.2
YGG Llwynderw	% of above and other applications	
YG Gwyr	% of above and other applications	

## 7. Position of capacity:

### 7.1 Primary:

7.1.1. **English-medium:** the English medium catchment school currently has very limited capacity (6.54%); and having less than 10%, surplus capacity leaves the school with limited flexibility. With the pupils generated from this development, it would then reduce the schools flexibility further.

7.1.2. **Welsh-medium:** the Welsh medium primary school of YGG Llwynderw currently has limited capacity (4.70%)

### 7.2. Secondary:

7.2.1. **English-medium:** Whilst there is currently limited, capacity (11.55%) at Bishop Gore Comprehensive currently has limited capacity (11.55%) and there are some suitability issues at the school.

7.2.2. **Welsh-medium:** the Welsh medium secondary school (YG Gwyr) based on January 2019 figures had 9.73% unfilled place. 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.



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**8. Requested Contribution:**

8.1. **Primary:** The full contribution for EM primary of £82,976.00 plus indexation is requested towards Oystermouth Primary to contribute towards improving facilities in Foundation Phase and resource areas to increase capacity across the whole school. There is no request for WM contribution due to the low impact of the development and impact such a contribution would make.

8.1.2. **Secondary/Post 16 Provision:** Education request £79,240.00 English Medium Secondary provision and £17,013 for Sixth form English Medium provision plus Indexation towards Bishop Gore Comprehensive School to contribute towards amending the toilet provision to comply with Education Premises Regulations 1999, which will need to be undertaken to facilitate any increase in pupil numbers at the school. Whilst there will be a deficit of Welsh Medium secondary places, the contribution from this development would not be enough to provide the additional infrastructure to support the increase in pupil place, therefore on this occasion there is no request for WM secondary contribution.

**NRW**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the above application, which we received on 26 September 2019. We note that there has been a reduction in the number of proposed dwellings and a change in the proposed site layout. Having reviewed the additional information submitted in support of the above proposal, we wish to make the following comments.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified, and we would not object provided you attach it to any planning permission.

Condition:

Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

Gower AONB

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we wish to highlight that the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We note the submission of the document entitled; 'Landscape and Visual Statement', dated 8 November 2018, by Soltys Brewster Ltd. Along with the; 'Zone of Theoretical Visibility (ZTV) Drawing (Figure No. 1873201 - SBC - 00 - NA - GA - L - 103 - P01),' also dated November 2018.

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As part of our statutory pre-application response and our most recent reply to the above planning application (dated: 14 January 2019), we requested that additional photographs/photomontages should be provided to support the Landscape and Visual Statement.

As previously highlighted, the additional information (in the form of photographs from three viewpoints), to not appear to be have taken in line with: Landscape Institute Advice Note 01/11 - Photography and photomontage in landscape and visual impact assessment.

Furthermore, as the photomontages do not appear to have been provided, it is unclear whether the proposed amended design and revised site layout will have a negative impact on the AONB.

Therefore, your Authority may wish to consider that a revised Landscape and Hedgerow Management Plan, may be required in order to minimise any negative impacts.

In addition, given that the proposal lies within the AONB and that areas of open countryside extend to the south, we advise that the potential effects of increased lighting on the AONB should be minimised, through careful design and the provision of a detailed Lighting Plan / Strategy, which deals with both the ecological and landscape aspects highlighted in this letter.

The Landscape and Visual Statement contends that there would be no significant effects on landscape character and visual amenity and that the proposal does not conflict with policy.

However, we would remind your Authority that the AONB policy requires the conservation and enhancement of natural beauty. Policy EV26 of the Swansea UDP states that within the Gower AONB the primary objective is the conservation and enhancement of natural beauty.

The proposed Policy ER4 of the Deposit LDP states that within the AONB development must have regard to the purpose of the designation. In addition, criterion (v), states that development must demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

We would advise that you discuss the revised design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current proposal has met these tests and whether the current proposal is a design and layout which is in-keeping with the character of the AONB and which minimises any adverse effects.

### Ecology and Protected Species

We note the submission of the new document entitled: 'Land at Thistleboon, Swansea: Badger Survey', dated February 2019, by Soltys Brewster Ltd.

The survey identified badger activity at the eastern and southern boundaries of the site, in the form of two single hole 'Outlier' setts. Higher levels of badger activity (pathways, latrines, dung-pits), were also noted outside the site boundary, again to the east and south.

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The survey acknowledges that proposed construction works for a number of plots at the site would fall within 20-30m of the sett, resulting in the need for a licence.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide detailed comments as part of our planning response, however we strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

In addition, we recommend that you discuss this matter with your Authority's Planning Ecologist, as they may have additional comments and requirements.

We also note the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

It is stated that surveys were conducted on the 30 May and 12 July 2018, and that these sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer.'

Please note; the findings of any ecological and species surveys will remain valid for a period of 2 years, from the date they were carried out. Should development at the site not begin until after the 2 years has elapsed, we would advise that you discuss the need for updated surveys, with your Authority's Planning Ecologist.

### Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

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Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

We also advise that your Authority may wish to request the provision of a Lighting Strategy (as mentioned previously), in order to avoid any light spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Llangland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200m south of the site.

### Protected Sites

The Llangland Bay (Rotherslade) SSSI is a geological site and is located a short distance from the proposed development. Providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented and followed, we do not anticipate any impacts to the site.

### Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, the document entitled; 'Drainage Strategy: Proposed Residential Development Thistleboon, Swansea (Ref: 18051/D100A)', dated November 2018, by Shear Design, indicates that for this application, surface water is to be discharged to an existing watercourse.

Therefore, providing this remains the case, and as the drainage system design is ultimately a matter for your Authority's Drainage Engineers, we would advise that you consult them, to ensure that they are satisfied with the proposals.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) 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>).

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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.

### **Planning Ecologist**

It is noted that there has been a reduction in the number of proposed dwellings and a change in the proposed site layout.

#### **Badger**

The survey identified badger activity at the eastern and southern boundaries of the site. Higher levels of badger activity were also noted outside the site boundary, again to the east and south.

The survey acknowledged that proposed construction works for a number of plots at the site would fall within 20-30m of the sett.

A NRW licence will therefore be required. Further details from <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/uk-protected-species-licensing/badger-licences-issued-by-naturalresources-wales-and-the-welsh-government/?lang=en>

A copy of the license must be submitted to the LPA.

Please also refer to my previous comments of 11/3/19 which still relate to the amended plans.

#### **Condition:**

Pre-construction checks for badger setts shall be undertaken up to 100m from the development site.

#### **Hedgerows/Landscaping**

It is noted that the western and eastern hedgerows are to be retained, and that new hedgerow will be planted on the northern and southern boundaries. These shall be strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing bat flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be submitted and agreed with the LPA. The condition of the retained trees and hedgerows must be monitored and any dead ones replaced with new planting.

#### **Condition**

The details contained in the Constraints, Opportunities and Landscape Strategy Plan, August 2018 and in the Soft Landscape Plan, May 2018 drawings must be adhered to.

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Condition

A Landscape and Hedgerow Management Plan shall be submitted to the LPA for approval, prior to any determination.

Condition

All landscaping (trees, shrubs, hedgerows) shall be retained and replaced if they fail. The condition of the retained and newly planted vegetation shall be monitored

Hedgehog.

The addition of hedgehog access holes shown in the External Works layout plan, regarding the close board fencing and the stone screen wall is noted and very welcomed.

Condition:

Boundary treatments ie. close board fencing and stone screen walls shall incorporate 180 mm diameter holes to provide hedgehog access to the site, as per details in the External Works plan, November 2018.

Reptiles

Condition:

Pre-construction checks for reptiles shall be undertaken. Any vegetation clearance shall avoid the main hibernation period October to March inclusive.

Construction Environmental Management Plan (CEMP)

A CEMP is required to be submitted to the LPA for approval, outlining and assessing all necessary pollution prevention measures (especially regarding the adjacent Langland Bay SSSI and any waterbodies). Pollution prevention measures outlined in the CEMP shall be implemented and followed during the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

Reason: Prevent pollution of controlled waters and the wider environment.

Ecological enhancement

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Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing.

Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.

Lighting Strategy

Condition

A sensitive lighting plan shall be adopted to protect bats and other nocturnal species, and to protect nearby habitats. A plan showing location and specification for any proposed lights on the site shall be submitted to the LPA for approval, prior to any determination. The lighting plan should reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance.

Please also refer back to all previous comments of 7/2/19 and 11/3/19 which apply to this amended plan and recently submitted information.

**GGAT**

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website.

You will recall our previous responses to this application (most recently September 2019) in which we had recommended an archaeological evaluation to be undertaken in order to further inform on the nature and extent of the archaeological resource that may be impacted upon by the proposed development. This was undertaken during July 2019 by Archaeology Wales (August 2019, report reference 1825).

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Apart from the recovery of possible drainage features, which could not be dated, and a small quantity of late post-medieval and modern pottery from topsoil deposits, the results of the archaeological evaluation were largely negative.

It was our opinion that the impact of the proposed development upon the archaeological resource is considered to be low; and as the archaeological advisors to your Members, we had no objections to the positive determination of this application. The amendments do not change our understanding of the archaeological resource and therefore our response remains the same.

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.

### **Landscaping Officer**

General observations:

Planting

Trees:

I note the increased diversity of tree and hedging species; I note that a large proportion of trees remain as *Sorbus aucuparia* and vars. I would want to see greater diversity and resilience in the mixture, in reality the 2 types of Mountain ash are very similar, albeit that the Cardinal Red looks like a vigorous version of its relative and both are very variable in their growth in the area, particularly as standard trees, as opposed to hedging. I note the increased use of *Alnus glutinosa*; I have previously suggested the inclusion of a few larger growing species, the location to the rear of plot 26 would seem to be suitable for a larger growing species (as well as other locations).

While recognising that Holm oak will survive on this site it is likely to be a problem in due course both within (in casting shade) and beyond by its ability to spread into the local exposed coastal environment. This is a non-native that we should not encourage when there are sufficient locally established species that will grow well. Consider planting 2-3 *Acer pseudoplatanus* as large long lived tree species within open spaces (also as alternatives to Holm Oaks), as well as inclusion in the scrub species mix.). Suggest the inclusion or protection of oaks in hedgerows as standards as well as hedgerow plants and as standards in open grassland or rear gardens.

Shrubs:

In plot 11 S5 *Choysia ternata* may outgrow its location adjacent to the front door, consider swapping with shrubs to the outside edge of the building or using *Ch.ternata* 'Sundance'.

In plot 26 Note the location of *Viburnum opulus Nana* adjacent the footpath, this is a stiff branched shrub that may be better swapped with *Vinca minor*.

I am also mindful of how rampant and invasive *Vinca major Variegata* is, spreading to 1.5 to 2m in diameter that will swamp *Armeria maritima* (Thrift); reconsider this association.



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**Bulb Planting:** do not plant within 1m of paved surfaces to allow for mechanical maintenance prior to and after flowering and so that, depending on species (not specified beyond Narcissus), do not collapse over paving.

**Access to Benches:** provide access and static spaces for wheelchair users and double buggies as an equal status; extend concrete base to allow for circulation in front of and through benches as well as parking spaces for wheelchairs and buggies and to prevent erosion of grassed areas.

### **Housing Enabling**

I can confirm that Housing accepts the proposed Affordable Housing layout, just to confirm all affordable housing must be built to DQR standard.

### **Strategic Planning Team**

This appraisal provides comments in relation to a revised site layout and additional evidence submitted in support of the planning application. The amended plans reduce the number of dwellings on site from 33 to 31.

The site is allocated under LDP Policy H5 'Local Needs Housing Exception Sites' as 'H.5.6 Land at Higher Lane, Langland'. It is one of six sites allocated for local needs housing to meet an identified social and/or economic need. The Policy seeks to deliver both Local Needs Market Housing and Affordable Housing for Local Needs, specifically in order to meet the identified need in the Gower, Gower Fringe and West Strategic Housing Policy Zones.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability. The minority local needs 'market' housing permitted by the Policy is not solely focused on addressing issues of affordability. Issues of affordability are clearly addressed through the minimum 51% of the scheme which is to provide affordable housing for local needs. The manner in which the local needs 'market' element of the allocations will meet need local is: firstly, by ensuring that the nature of the homes to be delivered will provide opportunities for those households who require assistance in accessing the market; and secondly, by applying local occupancy criteria to initial and subsequent purchasers of the dwellings. The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted. Having regard to the proposed ratio of affordable housing and market housing detailed in the scheme, the applicant is proposing 16 affordable dwellings and 15 market dwellings and has met this particular requirement of Policy H5.

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.

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The distribution of future sustainable growth across the County follows a simple settlement hierarchy consisting of the urban area, key villages and the countryside. As set out above, the proposed site is within the settlement boundary and development at this location would therefore in principle be in accordance with the Plan strategy.

LDP Policy H2 sets out the Plans Affordable Housing Strategy that seeks to deliver a minimum 3,518 affordable homes over the Plan period through the following measures through a variety of measures. This includes the allocations for local needs housing exception sites (i.e. under Policy H5), which will deliver local needs affordable housing as a majority proportion of homes on such sites, supported by minority element of market housing to meet local need.

The site is located within the West Strategic Housing Policy Zone (SHPZ) where evidence shows that housing opportunities for first time buyers and low income households are limited compared to others due to high land values and redevelopment costs. The sites allocated in LDP Policy H5 have been identified to meet local needs housing across the Gower, Gower Fringe and West SHPZs, and as such H5 sites that are located in close proximity to other SHPZs can reasonably be expected to help meet a need for that zone (as well as the zone within which it is located). Site H5.6 is located in close proximity to the Gower Fringe SHPZ and will help meet demand in that zone, as well as the West Zone. Evidence underpinning the policy identifies that Oystermouth Ward has a high proportion (>30%) of detached; 4+ bedroom; and 2 bedroom or less housing types. There is a need for 3 bedroom houses in the area and the revised layout indicates 3 x 3-bed market homes and 4x 3-bed affordable homes. However, there remains a significant number of 2-bedroom dwellings (8 market homes and 10 affordable units).

The sensitive location of the site is a major factor to take into account when assessing the proposal. Policy H5 emphasises that scheme design should not unacceptably impact on the sensitive nature of the AONB and coastal features. It is note that a further Landscape and Visual Impact Assessment has been submitted. I note that LDP policies referenced in the document are from the Deposit Plan, and not the adopted LDP, however it is doubtful whether this will have an impact on the conclusions of the LVIA. The determination of this application will necessitate full consideration be given to this LVIA in order to decide whether it adequately considers how the proposed development would integrate into the landscape and consider wider seascape impact and impact on Wales Coast Path. It is certainly noted that the design and layout of the development has sought to respond to the outputs of the LVIA.

LDP Appendix 3 provides specific developer key site requirements and site informatives for all sites allocated in the Plan (see below). Throughout the development of the LDP, including the candidate site assessment stage and discussions during Examination, it was been emphasised that the development needs to be 'low lying' in order to reduce the visual impact on the AONB/cliff path. It is noted that the scale and massing of the buildings in the current application has been amended in order to try and address these concerns, which is welcomed.

Notwithstanding this, the revised scheme appears to show only 3 single storey buildings, all of which are social rented homes. Discussions held during the iterations of the scheme have highlighted to the applicant that single storey market housing (particularly dwellings designed to a 'lifetime home' standard) provides a means to address a recognised social need for elderly persons and/or those with additional care needs.

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As stated in comments made on earlier iterations of the scheme, the applicants own evidence (as produced by John Francis) states that bungalows achieve a premium return and therefore it is not clear that there are any obvious financial viability constraints preventing more of that type of unit in the 'market' element of the development. The introduction of single storey dwellings/lifetime homes has the potential to ensure one of the key policy objectives are addressed, namely that proposals must provide market housing that 'meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design". This requirement is of course caveated within the policy in terms of recognising that any proposal needs ultimately to be financially viable. As such it may be that some of the market housing types are included in the interests of securing a viable development. The developer should make clear which units are intended to address the housing need policy objective, and which (if any) are included primarily for financial viability reasons.

Ultimately the Council will need to be satisfied that the necessary balance has been struck between: achieving appropriate design and placemaking standards; meeting local housing needs in a manner which contributes to the sustainability of the local community; ensuring the Council meets its statutory duty in relation to the AONB by mitigating the landscape impact on the AONB; and arriving at a financially viable scheme that allows a development scheme to come forward. The ongoing and continued dialogue between relevant Council departments and the applicant to ensure a positive outcome in this regard has been welcomed. It has been previously highlighted that should there be any dispute between parties as to the financial viability / deliverability of the scheme (considering any necessary planning obligation/S106 requirements), the applicant will be asked to meet the costs of an independent appraisal from a qualified viability expert who would be able to provide a genuine third party view.

It should be noted that in order to further comply with LDP Policy H5, a local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as a second home/holiday home. This will address the issue that a significant proportion of dwellings within the ward currently have no usual residents (i.e. are holiday or second homes).

LDP Policy IO 1 will be used to ensure that the affordable housing on the site is retained in perpetuity through the use of Planning Obligations in accordance with the legislative and policy framework provided in PPW, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions).

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: 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; xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space; and xiv.

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Ensure no significant adverse impact on natural heritage and built heritage assets. Furthermore, Policy PS2 Paragraph 2.2.14 states 'There will be particular expectations of quality in areas of valued and distinctive character such as the Gower AONB'. Such a requirement links to Policy ER4 that emphasises the particular issues for consideration for proposals with the AONB. The comments of the Council's Placemaking and Heritage officers will be important to assess whether the key policy criteria in PS2 have been suitably met.

Policy SI 6 states that 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 Open space Assessment (2016) indicates that Oystermouth ward has a total of total of 2.2ha per 100 head of population of FIT provision within the ward which equates to 0.2ha under the recommended target and there is a significant area of deficiency in the Thistleboon locality. There is therefore a requirement for some provision in the application site. Developments of between 10-200 dwellings would normally be expected to provide a LAP and a LEAP. The revised layout identifying areas of public open space with natural play areas within the site is welcomed and relevant Council officers should be consulted to ensure this is sufficient.

The proposals will need to maintain, protect and enhance any ecological networks and features of importance for biodiversity (Policy ER9 refers). The site has mature hedgerow boundaries which contain some mature trees. 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. As requested, the applicant has submitted relevant assessments and the Councils Arboriculture officer should be consulted for his comments.

The ecological report indicates presence of bats and the retention of the hedgerows will be important in this regard. The Gower Lighting Guide SPG will shortly be amended and adopted to the LDP. The SPG will reflect the latest technology and Gower's accreditation as a Dark Skies Community. Given the current available evidence of impacts on biodiversity, and consistent with policy advice from Dark Sky Wales and the IDA, the revised SPG will include a 3000 Kelvin level as the maximum for lighting schemes within Gower AONB. Any lighting within the development must accord with this figure in accordance with Policy RP 3.

LDP Policy ER 2 highlights the importance of protecting and enhancing existing green spaces that afford valuable ecosystem services, and resisting development that compromises the integrity of such green spaces. The policy is not intended to preclude any form of development on areas of open land. The policy sets out how development proposals should seek to enhance the multi-functional role of green infrastructure and facilitate connectivity, including effective integration within development sites of appropriate green infrastructure. The submitted proposals include the retention of hedgerows, providing a green corridor on the eastern boundary, and a community orchard provides a good example of an integrated measure that provides an additional measure that could enhance ecosystem provision. The observations of the Council's biodiversity team could be sought in this regard. The developer is also encouraged to also integrate green roofs into the scheme to enhance green infrastructure opportunities.

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Having regard to landscaping matters, PPW embeds the principles of the circular economy into design choices, site selection, treatment and associated construction practices and the principles should underpin the principles of development. Paragraph 5.12.4 states that as 'part of site treatment, the cut and fill balance of materials excavated should be assessed so as to avoid the creation of waste which cannot be effectively re-used due to lack of suitable storage facilities, such as 'urban quarries', and re-processing facilities. Developers should design proposals to achieve an earthwork balance by submitting a natural material management plan as part of development proposals which seeks to minimise cut and fill or which may provide for remediation of land elsewhere in the area.' Therefore the Council should request a natural material management plan to accompany any planning application, detailing how any excavated soil will be used in site design.

In accordance with LDP Policy T6 proposals must be served by appropriate parking provision in accordance with maximum parking standards and highway colleagues should be consulted to ensure the proposal meets those standards. The design and layout of the proposal needs to allow for the safe and convenient movement of people and transport modes, in accordance with LDP Policies T5, with priority afforded to Active Travel. Consideration of this should include consulting with waste management officers to ensure the proposal allows for the access of refuse collection vehicles and personnel (Policy RP9). The proposed layout incorporates the existing PROW, which is a developer requirement having regard to those set out in the LDP Appendix 3 (see below). The revised plans proposes additional linkages to the surrounding PROW network and the proposal would therefore accord with LDP Policy T7.

Any drainage scheme would have to ensure that there would be no detriment to any water course in accordance with LDP Policy RP4. The Council would have to be satisfied with any submitted drainage strategy in accordance with LDP Policy RP5. Furthermore, sewerage connections and associated drainage infrastructure will have to be in accordance with Policy IO2 and EU 4. It is noted that revised drainage strategy has been submitted and colleagues in Rights of Way and drainage should be consulted.

LDP Appendix 3 provides specific developer key site requirements and site informatives for all sites allocated in the Plan. The Appendix provides additional detail to the requirements set out in the site allocation policies and sets out clearly where the Council will require infrastructure to be provided to support development. The Appendix also clearly sets out where Plan policies will require further assessments to be carried out to establish the impact of development of the allocated site in relation to known issues, constraints and designations. The Appendix is supported by the Infrastructure Delivery Plan (IDP), which is a standalone document which does not form part of the plan. The extract for the application site is below. It is imperative that the applicant meets all the requirements listed.

Site Ref & Name H 5.6 - Land at Higher Lane, Langland

SHPZ - West

Education

Off-site financial contributions under s106 to existing Primary and Secondary schools in the catchment area, in accordance with Policy SI 3 Education.

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Green Infrastructure Network

Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Open Space, Council's open Space Assessment and Open Space Strategy.

Open Space

Provide green infrastructure network throughout the site in accordance with Policy ER 2.

Biodiversity Measures and Environmental Enhancements

Biodiversity and environmental enhancements in accordance with relevant LDP Policies, which may include the requirement to submit and agree ecological management plans. (Policy ER 9: Ecological Networks and Features of Importance for Biodiversity, RP 1: Safeguarding Public Health and Natural Resources, RP 2: Air, Noise or Light Pollution, RP 3: Water Pollution and the Protection of Water Resources).

RP 5: Land Contamination, RP 6: Land Instability.

Transport

PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6 and MU10.

DCWW WWTW

Swansea Bay WwTW: No issues in the WwTW accommodating the foul flows from the allocation.

DCWW HMA Foul Water - No

DCWW HMA Clean Water - No

Compensatory Surface Water Removal – No

Flood Risk - No

Welsh Language Action Plan - No

SINCS - No

Other Informatives

With Gower AONB and the coastal zone. Consult with NRW. Use the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment to guide the design and development of this site. A Landscape and Visual Impact Assessment will be required at planning application stage to ensure careful integration of site into landscape and consider wider seascape impact and impact on Wales Coast Path. Preferable 'low lying' buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape. See Policy ER 4: Gower Area of Outstanding Natural Beauty (AONB).

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Probable Grade 3a agricultural land. An agricultural land classification survey will be required.

### Summary

The proposal, complies with LDP Policy H5, in terms of seeking to provide a majority proportion of affordable homes for Local Needs on the site, alongside a minority element of market housing.

Since early iterations of the scheme were formulated, the applicant has submitted significant further evidence as requested by the LPA in order to demonstrate how the proposal accords with the requirements of the LDP and PPW, including in relation to green infrastructure, agricultural land, trees and hedgerows, ecology and landscape and visual impacts. In particular, further assessment has been given to the visual impact of the site and the integration of the development within the AONB landscape and its sensitive coastal location.

Subject to the LPA being satisfied with the final details submitted in terms of proposed dwelling types and design matters, my view is that the proposals do provide an opportunity to bring forward a high quality scheme that delivers a significant number of affordable and market homes on this 'exception site' that will serve to address an indemnified local need. This would represent a positive and welcome contribution to development needs for the area, on a site that has been endorsed by the Council as being appropriate in principle for such development.

It is imperative that proposals provide the necessary planning obligations generated by the development, and that any planning permission is subject to the abovementioned planning conditions/legal requirements, for the scheme to be acceptable and meet the policy aspirations for development at this location.

### Tree Officer

The Authority's Arboriculturalist raised no objection to the proposals.

### Further Re-consultation (28th January 2020)

Additional and amended plans and reports were received. A full re-consultation of neighbours was made on 26th January 2020 and the application was advertised by means of three notices placed within the vicinity of the site on 28th January 2020.

212 additional letters of objection were received, the reasons for objection are summarised below:

- Amended plans and documents have not overcome previous objections.
- LVIA is not fit for purpose and does not comply with LDP requirements.
- The proposal will neither conserve or enhance the Gower AONB or historic character of the local area.
- Loss of hedgerows, which the Council has a legal duty to protect.
- Visual impact on the proposal, including that the proposal will not comply with the Gower AONB Design Guide and is not 'low lying' as required by the LDP.
- Loss of the right of way, which would not be compensated with a route through the site.

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- Proposal does not include any improvement contributions to local rights of way as required by the LDP.
- Land is unstable and has natural cavities, which have not been fully investigated.
- Impact on views from neighbouring property.
- Unacceptable overlooking impact, impacting Human Rights and contrary to the Well Being of Future Generations Act.
- Impact on traffic, highway safety and demand on parking.
- Negative impact on local facilities and services, including schools.
- Loss of a local field and greenspace.
- Urbanisation of the countryside.
- Flood risk.
- Will not provide affordable housing.
- Negative impact on ecology and animals.
- Development is only for profit.
- Approval will be contrary to the declaration that there is a climate emergency, as well as having an unacceptable impact on climate change, through loss of a carbon sink.
- Not a sustainable location.
- Council is profiteering from the development.
- Development would be better placed on brownfield sites.
- No demand for this development.
- Insufficient sewage infrastructure
- Increase in pollution
- Development is contrary to PPW.
- Results in loss of best or most versatile land.
- Needs for affordable housing does not override protected status of the AONB.
- Negative impact on local tourism
- Development will negatively impact house prices
- Negative impact on neighbouring SSSI and beaches.
- Out-of-keeping with the character of the area.
- Potential impact on coastal erosion.
- The proposed drainage details are not acceptable or accurate, and will result in an unacceptable impact in surface water run-off.
- The transport statement is insufficient, has weak conclusions and the data was collected at an inappropriate time.
- The ecological report is erroneous in its assessment of the ecological value of the site and treated it as farmland, which it was only used as recently for this application.
- The site has a number of protected species to the lower area.
- The marketing information is not accurate.
- The site will be used as second homes.

### Councillor Myles Langstone

Following the submission of further documentation by the Developer, I write as County Councillor for Oystermouth to highlight the fact that the significant issues raised by myself and residents previously have not been addressed.



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You will note the independent and professional report by Litchfields, commissioned by Mumbles Community Council, clearly demonstrates how the application is deeply flawed. This remains the case. I am particularly concerned that the Landscape & Visual Impact Assessment which has recently been produced by the Developer is not fit for purpose, contains many fundamental flaws and is not in line with LDP stated requirements for an AONB.

I can see no way that an application, which is so deeply flawed, can progress any further.

### **Mumbles Community Council**

Mumbles Community Council has commissioned a report from Lichfields Planning and Development Consultants into planning application 2018/2634/FUL for 31 dwellings on land off Higher Lane.

The report, which is attached, raised a number of issues and concerns regarding the planning application and was sent to the Developer's planning agent on 24/11/2019 asking that the issues raised in the report be addressed and a response provided to the Community Council.

The Lichfields report was also sent to Swansea Council on 24/11/2019 with a request that the planning application not be considered until the Developer has provided a response to the issues raised in the report.

The attached response has been received from Edenstone which states that they are continuing to engage with the Planning Department to address all relevant planning matters.

At the meeting of Mumbles Community Council held on 11/02/2020, the Council felt that this response was inadequate as it fails to answer any of the issues and concerns regarding the application identified by Lichfields in their report.

The Mumbles Community Council resolved that the Lichfields report should be formally sent to Swansea Council with a request that Swansea Council require Edenstone to address the issues raised in the report prior to the application being considered.

The Community Council also resolved to request that the Welsh Government 'calls in' the higher Lane application.

The Community Council is keen to see Edenstone's detailed response to the issues raised in the Lichfields report so that it can formulate a view, as a statutory consultee, to the application.

The Council is happy to meet with you to outline the issues that it is concerned about in relation to the Higher Lane planning application if that would be useful.

### **Drainage Officer**

The Authority has had detailed discussions on the development of a suitable drainage scheme for this site, having seen a number of iterations involving controlled flows and unrestricted discharges which would involve improvements to the receiving system.

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We note that this scheme is based on restricted/managed Q rate of 2.7l/s which we consider is able to be accommodated in the receiving watercourse. Accordingly we recommend that following is appended to any permissions given.

### Condition 1

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

### Reason.

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

### Condition

The site shall not discharge at any rate greater than 2.7l/s as stated in the Drainage Strategy by Shear design reference 18051/D100E dated November 2019.

### Reason

To ensure that the existing greenfield runoff regime is maintained and prevent increased flood risk downstream land/property owners. Watercourses.

Any works to the watercourse may require the Authority's prior written consent under Section 23 of the Land Drainage Act 1991 irrespective of any other permissions given.

## **Strategic Planning Team**

Regarding your recent request for a report on the above amended plans, and further to my previous observations (dated 28/01/2019) provided on the original plans, my comments are as follows:

- In my previous report on the original plans, I highlighted that LDP Policy H5 states that proposals must provide a minimum of 51% affordable housing for local needs; and a maximum of 49% of enabling local needs market housing specifically geared towards meeting identified housing needs within the locality. This can be done by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

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I highlighted concerns regarding the previously proposed composition of the market housing and the extent to which the nature of the homes proposed would in reality have provided opportunities for households who require assistance in accessing the housing market. I cited evidence underpinning the policy identifying that the Ward has a high proportion of detached 4+ bedroom housing types, and a lack of smaller 3- bedroom houses which the market element of the scheme needed to address. With respect to landscape and visual impact concerns, I also noted that the introduction of more low lying dwellings would have the potential to achieve a more favourable type of development, more in-line with what was envisioned in the LDP process when deciding to allocate the site. I advised that further discussions were required about the range, size and type of local need market homes (within the context of the financial viability of the scheme) to ensure that the requirements of Policy H5 of the LDP are suitably met.

- Over the last 12 months, positive dialogue between the LPA and applicant has seen the original proposals evolve. An amended scheme is now proposed and the market element now comprises 2- and 3- bedroom homes. All of the originally proposed 4- bedroom market properties have been replaced with 3- bed units in the amended plans.
- The application seeks to address the requirements of Policy H5 by securing the following through the proposed form, mix and tenure of the proposed 49% element of the scheme:
  - a) Through entering into the appropriate legal agreement, the proposed units will be occupied by residents as their only or principal home.
  - b) The units will only be available to people within a local geographic area to ensure they do not experience the pressures faced by the existing housing stock from individuals moving from elsewhere within or outside of the County.
  - c) The proposed local needs housing market element and indeed the scheme as whole is dominated by smaller properties in contrast to the existing local housing stock.
  - d) The proposed local needs housing market element includes 9 two bedroom properties (60%), which is over twice the current mix provision found in the locality (26.5%).
- The applicant has specified in its submitted planning statement that: “49% of the units will then be made available for purchase or rent and occupation on the basis of the proposed eligibility criteria set out by the Authority, the details of which are to be finalised with the Authority during the application’s determination. In addition, four of the proposed dwellings will be designed for adaptation to ‘lifetime home’ standards (see accompanying supplemental Design and Access Statement) to provide flexibility in meeting the varied need for such units in the local community” [para. 4.18]
- The amended plans have maintained the 51:49 minimum ratio between affordable (16) and market (15) units in line with the policy.

Given the above comments, on balance I consider that the applicant has gone a substantial way to address the concerns that I raised on the initial plans, in particular with regard to the suitability of the private housing mix for addressing local need.

As noted previously, in order to comply with LDP Policy H5, a local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement to ensure that the dwellings meet a local need and are not used as a second home/holiday home. This will address the issue that a significant proportion of dwellings within the ward currently have no usual residents (i.e. are holiday or second homes).

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The proposals provide an opportunity to bring forward a high quality scheme that delivers a significant number of affordable and market homes that will serve to address a particular local need. This would represent a positive and welcome contribution to development needs for the area, on a site that has been endorsed and allocated by the Council as being appropriate in principle for such development.

### **Tree Officer**

No objection.

The accompanying tree protection plan and arboricultural methods statement is suitable to protect the few trees on the site.

In the event of approval please could you condition adherence to these documents.

### **NRW**

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

### **Gower AONB**

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we wish to highlight that the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We note the submission of the new document entitled;

- 'Landscape and Visual Impact Assessment (Issue 4 / Revision PL03)', dated 6 November 2019, by Soltys Brewster Ltd;

Having reviewed the above, we wish to make the following comments. No photomontages appear to have been provided and the viewpoints included in the Design and Access Statement are different to those included in the LVIA.

Therefore, your Authority may wish to ensure that any discrepancies between the Landscape and Visual Impact Assessment (LVIA) and the Design and Access Statement are addressed.

Furthermore, Viewpoints 3, 4 and 5, in the Design and Access Statement show high visibility from the south, but are not produced at the correct scale, or in accordance with the most recent Landscape Institute Guidance (TGN 06/19 Visual Representation of Development Proposals).

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In addition, the Sketch-Up models included with the application are not an accurate visualisation. Therefore, your Authority may wish to request that photomontages from (at least) one of Viewpoints 3, 4 and 5 should be provided to illustrate the visual impact of the proposal from the south

We also note that the proposed density of the development has been reduced (from 33 to 31 dwellings), with a slightly larger open space, increased tree planting and larger-growing species have also been included. While we consider that this would help to mitigate some of the impacts and help to break up the development visually; it should be noted that the hedgerow to the east appears to fall outside the control of the management company.

Therefore, as previously suggested, your Authority may wish to consider that a revised Landscape and Hedgerow Management Plan, is submitted in order to minimise any negative impacts.

In our view, the development should reflect the Gower AONB Design Guide to a greater degree, rather than nearby modern dwellings, although this is a matter you should discuss with your Authority's AONB Team / Officer.

Given that the proposal lies within the AONB and that areas of open countryside extend to the south, we advise that the potential effects of increased lighting on the AONB should be minimised, through careful design and the provision of a detailed Lighting Plan / Strategy, which deals with both the ecological and landscape aspects highlighted in this letter.

We also continue to advise that you discuss the revised design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current design and layout are in-keeping with the character of the AONB and will minimise any adverse effects.

### Ecology and Protected Species

Our comments remain the same as those made in our previous response and are repeated below.

We note the submission of the document entitled: 'Land at Thistleboon, Swansea: Badger Survey', dated February 2019, by Soltys Brewster Ltd.

The survey identified badger activity at the boundaries of the site, in the form of two single hole 'Outlier' setts. Higher levels of badger activity (pathways, latrines, dung-pits), were also noted outside the site boundary.

The survey acknowledges that proposed construction works for a number of plots at the site would fall within 20-30m of the sett, resulting in the need for a licence.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

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If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide detailed comments as part of our planning response, however we strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

In addition, we recommend that you discuss this matter with your Authority's Planning Ecologist, as they may have additional comments and requirements.

We also note the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

It is stated that surveys were conducted on the 30 May and 12 July 2018, and that these sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer.'

Please note; the findings of any ecological and species surveys will remain valid for a period of 2 years, from the date they were carried out. Should development at the site not begin until after the 2 years has elapsed, we would advise that you discuss the need for updated surveys, with your Authority's Planning Ecologist.

### Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

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We also advise that your Authority may wish to request the provision of a Lighting Strategy (as mentioned previously), in order to avoid any light spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Langland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200m south of the site.

### Protected Sites

The Langland Bay (Rotherslade) SSSI is a geological site and is located a short distance from the proposed development. Providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented and followed, we do not anticipate any impacts to the site.

### Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, the document entitled; 'Drainage Strategy: Proposed Residential Development Thistleboon, Swansea (Ref: 18051/D100A)', dated November 2018, by Shear Design, indicates that for this application, surface water is to be discharged to an existing watercourse.

Therefore, providing this remains the case, and as the drainage system design is ultimately a matter for your Authority's Drainage Engineers, we would advise that you consult them, to ensure that they are satisfied with the proposals.

### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

### Highway Authority

This application has been in the planning system for some time and subject to a number of revisions most recently a masterplan change from 33 dwellings to 31 dwellings.

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There was a pre-application made Reference 2017/2628/PRE this related to 47 dwellings and set out the Highway Authority's position. This set out:

A request for a Transport Statement;

Provision of a new 2 metre footway along the southern section of Higher Lane:

1. Plateau at access to development (to help to reduce speed) – could tie into new footpath to provide easier pedestrian access/crossing facility
2. Signage and markings to complement above
3. Improved bend/chevron warning signs
4. Continue footway adjacent to 109 Higher Lane (currently grassed area)
5. New street lighting to tie into planned plateau location.
6. Possible need for traffic calming either side of access in the form of speed cushions (concern regarding tie into existing highway near Cambridge Road – need to more detail to ensure any improvement does not create higher approach speeds)

The confirmation of a lack of public transport services and the requirement for improvement measures; Confirmation that driveways should be a minimum of 3.2 metres in width; Requirement for visitor parking; Confirmation whether the internal layout is proposed to be offered for adoption; and Further documents such as a Travel Plan and Construction Method Statement.

Following this a PAC was submitted for 33 dwellings and the Highway Authority reiterated the above comments and added:

1. A plateau at the access to act as a traffic calming measure (signage and parking will be required to compliment this)
2. The setting back of the site frontage along Higher Lane to provide a minimum 5.5m width carriageway with a 2m footway complete with adequate drainage and street lighting. All access works/improvements will need to be undertaken under a Section 278 agreement with the Highways Authority.
3. Improved bus stop facilities on Worcester Drive and Cambridge Road.
4. A pedestrian crossing point to the East of the proposed access, which will incorporate a raised table, as an additional traffic calming feature.

There was concern expressed on parking provision being remote from the dwellings and visitor or on street parking being an issue as the swept path assessments indicated that large vehicles require the use of full width of the carriageway.

Within this current application the Highway Authority has provided informal comments through the process requesting more information and providing advice, the comments include:

Requests to update superseded layouts for swept path assessments;

Requests for updated Transport Statement;

Confirmation that refuse vehicle overhang of the footway at the turning area would not be acceptable;

Provided information on the concerns of the neighbouring property, which included the requirement for consideration to be given to the existing driveway access.



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The above history has been taken into account in this consultation response.

### Current Application

A Transport Statement (TS) and associated plans have been submitted with this application and these have been reviewed.

### Access

The proposed development of 31 units will be served via a new access onto Higher Lane. This appears to take account of the majority of the requirements with clarity needed on the street lighting requirement and traffic calming only appears to be provided on one side. The TS does not commit to the dimensions of the access road and the drawings do not confirm this detail, confirmation is required that it will be provided to a minimum of 5.5 metres width, potentially wider where required, such as on bends or where visitor parking is located opposite private driveways.

The footway on the opposite side of the carriageway to the development is required to be extended to property 109 and tie in with the proposed crossing point. The details of the crossings either side of the access and how these will tie into the opposite footway, which is at a different gradient, has been suggested to be dealt with at detailed design, within the TS.

The private ownership plans suggests the internal network and the area of new highway with the new areas of highway include within private management. The new areas of highway (and footway) on Higher Lane would be required to be built to adoptable standards and offered for adoption to a point at the back of the junction radii and the plateau.

### Public Transport:

It has been requested and advised that the applicant will be required to improve public transport facilities and provide measures to deal with the lack of bus services, especially at weekends. The TS does confirm that the applicant is committed to improve the bus stop facility at Worcester Drive and Cambridge Road via S106, but no further measures are proposed in terms of service improvements.

### Parking:

Parking must be provided in accordance with the adopted supplementary planning guidance. Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

Parking spaces are required to be provided to the dimensions of 2.6 metres width and 4.8 metres length, this appears to have been provided. Driveways proposed as shown in the layout have been advised to require a minimum of 3.2 metres width. This is not clear from the TS or the parking layout plan.

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The TS advises that all plots will have two parking spaces, this would not be acceptable at this location, as it is unlikely that it would satisfy the requirements for a reduction in parking provision. The Proposed Parking Arrangement Layout plan confusingly contradicts this statement and indicates between two and three parking spaces per plot, mostly unclear. The plan also does not provide the confirmation of bedrooms per house type for the private sector plots. This does not allow review on the parking requirement. It is clear that there seems to be an under provision on social or rented properties. Given the location and the proposed access road layout, this would not be accepted.

There are six spaces provided for visitor use, which is welcomed. The spaces may require repositioning, such as the two closest the junction and those near the road bend, based on the swept path assessment outputs.

**Swept Path Assessments:**

The TS includes Swept Path Analysis (SPA) although Figure 4.4 referred to appears to be missing?

The refuse vehicle SPA confirms that the proposed turning head is inadequate and the vehicle overhangs the footway. This would not be acceptable and the turning head should be extended.

The visitor parking near the access would alter the approach of a large vehicle exiting the site towards the junction and this has not been shown. In a similar way the four spaces near the access road bend would alter vehicle swept paths. There is concern over these parking spaces and this will need to be addressed.

The refuse vehicle is not shown to access the private drive area, therefore confirmation on the refuse collection arrangements, within collection walking distances, will be required to be set out.

**Traffic Impact:**

The TS has sufficiently set out the likely traffic generation of the site and set this against the existing background of traffic on Higher Lane.

The forecast traffic impact of the development is low, this compared to existing traffic movements would be a significant percentage impact, but overall low and not likely to be of concern in capacity terms.

In this location it may be appropriate to consider seasonal variation of traffic which is likely to increase Higher Lane flows in the summer. This would in turn result in a lower development impact in percentage terms.

In consideration, the TS has sufficiently presented adequate information in order to consider the likely traffic impact.

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Travel Plan:

There does not appear to be a Travel Plan submitted within the planning application. The previous advice given was that one would be required.

Construction Traffic Management Plan:

This can be dealt with by way of planning condition.

Neighbouring Property Access:

The driveway of the adjoining property is located in close proximity to the site boundary. With the increase in vehicular and pedestrian traffic, further information is required on whether there is sufficient visibility. There appears to be visibility lines in a grey background although this is not clear. The vegetation between the site will need to be removed sufficiently to enable pedestrians and drivers to see and be seen as they interact in this area.

Conclusion

There were previously a number of concerns with the application and these have been in part addressed as the scheme has evolved. However there are still a number of remaining issues as identified within this consultation response.

It is therefore confirmed that the Highway Authority is not able to support this application.

There is scope for working to resolve these issues, it is advised that these are addressed or the Highway Authority will object to the proposals and recommend that it is refused.

Should the Planning Authority resolve to recommend the scheme for approval, the Highway Authority will require the opportunity to include the necessary planning conditions.

Conditions would be sought to ensure that: visibility splays are provided to standard and splays kept clear of obstructions and third party land; the access is designed to adoptable standards requiring a S278 agreement; turning areas are appropriate for use by multiple types of vehicles; parking provision in accordance with the SPG; a footway of 2.0 metre width is provided across the frontage of the site; the proposed internal road width is adequate, included pedestrian provision; a construction traffic management plan is submitted; and refuse arrangements are in place including adequate areas for turning.

### **Placemaking and Heritage Team**

The latest submission of information for the above scheme raises no concerns in Placemaking terms. The updated DAS provides a good summary of the design process as well as the considerations that have gone into this scheme throughout this process.

There are therefore no objections/comments to this latest submission.

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**Further Re-consultation (1st May 2020)**

Additional and amended plans and reports were received. A full re-consultation of neighbours was made on 30th April 2020 and the application was advertised by means of three notices placed within the vicinity of the site on 1st May 2020.

574 additional letters of objection were received, the reasons for objection are summarised below:

- Unacceptable loss of AONB
- Loss of greenfield
- Potential costal erosion
- Flood risk
- Loss of amenity space
- Negative visual impact
- Loss of environment
- Local services (road and schools) are already overwhelmed
- Loss of tourism
- Suggestions that the application is using loopholes to be approved.
- Impact on wildlife
- Accusations of Officer and Councillor corruption.
- Act as a precedent for future development
- Contrary to the Wellbeing of Future Generations Act
- Amendments have not addressed previous objections
- Impact on climate change
- Pollution
- Highway safety and traffic concerns
- Transport statement is insufficient
- Consultation process should not have restarted during lockdown
- The housing is not needed
- Overshadowing of neighbours
- Overlooking of neighbours
- Potential subsidence due to the land
- Scale and design of proposal does not fit with character of the local area
- Loss of right of way which is not satisfactorily compensated
- No affordable housing provided
- Impact on view
- LVIA is not fit for purpose, does not follow guidance
- Increased noise and disturbance
- A re-submission of previous letters of refusal
- Criticism of the lack of response to previous objections
- Does not comply with national or local policy
- The proposed properties are not low lying
- Does not conserve or enhance the AONB
- Site is not in a sustainable location
- Loss of hedgerow

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- Loss of agricultural land
- Impact on the coastal path
- Surface water run-off and drainage concerns
- Not a sustainable location
- Coastal housing is cheap and unwanted
- Concerns over the geology of the area and the potential hazards during construction and for future residents, including sink holes.
- Boggy nature of the site makes it unsuitable for development
- Historic mining of the area has not been considered.
- Drainage concerns and potential underground spring, which has not been considered.
- Impact on value of neighbouring properties
- Loss of outdoor natural space important for wellbeing.
- Likely to be second homes
- Criticism of the LDP process and conclusions
- Development is not low-lying
- Development does not comply with Gower AONB design guide
- Does not utilise sustainable materials
- Request for review from the Design Commission for Wales
- Impact in regard to the SSSI and drainage has not been satisfactorily assessed.
- Coastal erosion
- Loss of Hedgerow and historical landscape
- Inaccurate screening opinion
- Application does not comply with LDP Policy
- The archaeological investigation was not fit for purpose
- Impact on the water quality of neighbouring beaches
- Inappropriate landscaping strategy
- Light pollution from vehicles on neighbours and environment, due to road layout.
- Breach of human rights
- The arboricultural assessment includes trees on neighbouring land.
- Would prevent maintenance of neighbouring hedge.
- Density of development is not in-keeping with local area

### Councillor Myles Langstone

I am writing again, in response to the latest re-consultation, as the County Councillor for Oystermouth Ward to represent the vast majority of my constituents who strongly object to the planning application 2018/2634/FUL for Major Development within the AONB comprising of 31 units. In this objection, I also reflect the views of many people from outside our area who have responded to the consultation.

These comments are in addition to the previous objections I have made, which still stand and are to be considered accordingly.

### Conservation and Enhancement of the AONB

The first point that I make is in relation to the Council's legal duty to conserve and enhance the AONB.

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LDP Policy ER4 (Gower AONB) states that development must have regard to the purpose of the designation and must 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 needs to be taken into consideration. Development must:

- Not have a significant adverse impact on the natural assets of the AONB or the resources and ecosystem services on which the local economy and well-being of the area depends;
- Contribute to the social and economic well-being of the local community;
- Be of a scale, form, design, density and intensity of use that is compatible with the character of the AONB;
- Be designed to an appropriately high standard in order to integrate with the existing landscape and where feasible enhance the landscape quality; and
- Demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

Policy ER4 and the LDP site specific requirements for H5.6 (Higher Lane) are also clear that the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment must be used to guide the design and development of this site. The LDP site specific requirements for Higher Lane are clear that a Landscape and Visual Impact Assessment (LVIA) is required and must demonstrate careful integration of the site into landscape and consider wider seascape impact and impact on the Wales Coast Path. In addition, there is an expressed need for ‘low lying’ buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape.

The Landscape and Visual Impact Assessment (LVIA) produced by the developer has very significant, shortcomings, including but not limited to the following:

- It uses incorrect baseline information and does not use the appropriate Gower AONB Landscape Character Assessment (policy requirement of the LDP and a specific Site Requirement for H5.6);
- It does not consider cumulative impacts of development, which should include neighbouring development and recently permitted development elsewhere in the AONB (policy requirement of the LDP);
- The baseline information on receptor groups is for the wrong location;
- The LVIA makes no consideration of seascape or coastal impacts in the AONB (including those related to the SSSI, and does not consider the “Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment”, despite the site being on the undeveloped coast in the coastal zone – (once again a specific requirements of the LDP);
- The LVIA dismisses the loss of a public right of way through the site (MU5), as a non-significant impact, despite the fact that it is very well used and provides a significant amenity for residents and tourists alike. Views from the right of way offer outstanding views of the landscape and seascape;
- Visualisation of the development are not in line with best practice and they do not appropriately consider views from the Wales Coastal Path, the public right of way through the site or immediately adjacent neighbours – who could suffer a significant loss of privacy and amenity (this has been pointed out many times by NRW in their consultation response – and the impact from neighbouring properties must be assessed with visualisations from those specific properties);

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- There is a significant inconsistency between stated impact assessment approach and the conclusions derived – e.g. where the approach suggests a significant impact, the conclusions state no significant impact;
- Within the planning policy section of the LVIA there is no reference to Policy ER4 (AONB), which is almost an unfathomable omission.

Specifically, with regard to the AONB, the LVIA states that:

- Within the application area and its environs, there is “likely to be a large change in landscape character as development becomes a dominant, long-term feature within the AONB designation”; and
- Within the AONB more generally the overall landscape qualities which define the AONB will “not be completely eroded”, noting that the fundamental requirement is to demonstrate conservation and enhancement, with no deterioration of the features that underpin the designation.

Despite these two points, the LVIA states that overall impacts on the AONB are predicted to be moderate to low, not significant and neutral. This is simply unjustifiable, and the LVIA is not fit for purpose.

We can only assume that the developer has been advised of the significant shortcomings on numerous occasions, and it appears to us that they have simply refused to provide what is required. This is very worrying to many people.

Given the fundamental importance of Landscape and Visual Impacts in the AONB, I expect the Council not to support a planning application that relies on an LVIA and Visualisations that are not fit for purpose.

### Protection of the Langland Bay (Rotherslade) - Site of Special Scientific Interest (SSSI)

The drainage from the proposed development (shown in the Shear Design – Drainage Strategy Report – March 2020) is intended to flow into an existing drain, which then outflows on the cliff above Lambswell cove. The cliff is wholly within the SSSI, which is designated on the basis of its geological value, which comprises a rare and important occurrence of exposed glacial materials in the coastal zone).

The Shear Design report does not acknowledge the presence of significance of the SSSI, nor does it provide any assessment of impact on the SSSI. This is a significant omission as the existing drain, which takes surface water drainage from Beaufort Avenue, has caused significant erosion of the designated geological deposits, as pointed out by Swansea’s own technical officers.

Additional volumes of water into this drain from the proposed development will be substantial and will clearly exacerbate this situation, leading to further erosion of the protected geology in the SSSI. This is both an environmental and safety issue that greatly concerns many members of the public.

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This has been raised with the Council, but no response has been forthcoming. The response from the developer has been to provide a drawing of some very superficial works to the drain discharge point, but this does nothing to protect the designated geology in the already unstable and deeply eroded ravine (which is used as a pathway to Lamswell).

It is a legal requirement to conserve and enhance SSSI's, which is reflected in LDP policy ER10 (geological and geomorphological sites of value). This policy states that development will not be permitted that would cause significant adverse effect to geological or geomorphological SSSIs.

This matter has not been looked at in any level of detail and impacts have certainly not been assessed in line with accepted best practice.

I would expect the Council, with the support of NRW, to fulfil their legal responsibilities to conserve and enhance the key features of the SSSI, and not to permit drainage as suggested.

It should also be noted that information contained in the Shear Design report indicates that the Wales Coastal Path would be subject to an additional risk of flooding from the proposed development. The impact of this has not been assessed, which is matter of concern given the importance of this route. Not assessing such impacts is not in line with National Policy.

### Land Instability

As the ward member, I am aware of land instability issues and I understand the significant widespread concern around this.

As identified in a site survey undertaken on behalf of the developer, there are “sink holes” within the development site and in neighbouring areas. Construction works and associated drainage could therefore give rise to land instability and collapses, which could lead to property damage, and potential safety concern to neighbouring residents in Higher Lane and Beaufort Avenue.

The Council will be aware that this area of Gower has one of the highest incidences of collapses from Natural Cavities in the UK. Sink holes and ground collapses have occurred on this site in the past and there is a recorded fault running directly through the middle of the field, which suggests a high potential for additional collapses.

There are several cases of sink holes being activated due to recent house construction works on Beaufort Avenue and Higher lane. These have caused significant damage to property and have necessitated cessation of works, and costly mitigation works (with large insurance claims).

LDP Policy RP 7 (Land Instability) states that any development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity.

Development will only be permitted on unstable or potentially unstable land where it can be satisfactorily demonstrated that proposals to make the land capable of supporting the development are adequate. This has not been done.



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The Council must respond to residents concerns on this matter and enforce policy obligations in this regard.

### Loss of the Public Right of Way (MU5)

The loss of the Public Right of Way (Mumbles 5) and the associated area of Open Green Space would be a significant loss of Amenity to residents, the wider community and to tourists, and would impact their well-being. This has not been assessed appropriately.

The Public Right of Way is well-used by residents and tourists, including regular walkers, who value the outstanding landscape and seascape vistas and the direct connection to the Wales Coastal Path.

The footpath also facilitates an accessible and healthy environment for older and less mobile members of the community, who take advantage of the fact that parking on the roadway is readily available next to the entrance of the field. This field and the access and vistas it provides is therefore important to many people's physical and mental well-being, not only because of its aesthetic quality, but because of the cultural, spiritual or historical qualities of the area, allied to the level of accessibility for all and the clear sense of place it provides.

Allowing access through the proposed development, to the footpath to the southwest, cannot be viewed as a viable means of "retaining" the existing footpath, as there would be a significant loss of this amenity, blight of the existing landscape vistas and the loss of Public Open Space - for residents, the community and tourists.

I agree with the Council's PROW technical officer, who stated early on in the consultation process, that the loss of this Public Right of Way represents a significant impact amenity (for the community, tourists, and those who are older and less mobile). This is in conflict with National Policy, LDP policy T2 (Active Travel), and T7 (Public Rights of Way and recreational Routes).

The LDP specific Site Requirement for Higher lane also stated that any development is required to make connections and improvements to on-site and off-site PROW's including MU5, MU4, MU2, MU6, MU10. Clearly this is not achieved in the current proposals. MU5 "on site" is permanently removed, and the other improvements are not provided.

I would expect any proposal to align with National and LDP policy, including the site specific LDP requirements. I see no reason for instance, why the public right of way through the site couldn't be maintained and sympathetically incorporated into any proposed development, to prevent loss of this important amenity.

### Nature and Quality of Development

National Planning Policy requires that AONBs must both be afforded the highest status of protection from inappropriate development, and that any development must be afforded the highest level of design to carefully integrate it into the landscape in a manner that conserves and enhances the intrinsic qualities of the AONB.

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LDP Policy PS 2 (Place Making and Place Management) 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. Depending on the nature, scale and siting of the proposal, development should also:

- Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- Integrate effectively with the County's network of multifunctional open spaces and enhance the County's Green Infrastructure network;
- Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- Ensure no significant adverse impact on natural heritage and built heritage assets;
- Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life.

As the proposed development is completely within the AONB, any development must also be in full accordance with the Gower AONB Design Guide.

#### Protection of Important Hedgerows and Historic Landscapes

The proposed development at Higher Lane forms part of the Gower Registered Historic Landscape (HLW ((WGI) 1) and is specifically a core part of the Thistleboon Fieldscape Character Area - HLCA024 – as defined within the Register of Landscapes of Outstanding Historic Interest in Wales.

The field boundaries also represent one of the last remnants of a wider mediaeval agricultural landscape and have remained unchanged for centuries. They are included in the original Tithe maps for Oystermouth and a survey of Important Hedgerows on Gower undertaken by GGAT in 2014, stated that these hedgerows are of considerable significance - as is the medieval sunken lane to the immediate west of the proposed development site.

Planning Policy Wales 10 (PPW10) is clear that local planning authorities have a duty to protect and enhance assets included on the Register of Historic Landscapes in Wales. PPW 10 also states that sharing and use of evidence and assessments undertaken for wider reasons, such as Green Infrastructure Assessments (not completed), should be used to identify and better understand historic landscapes and ensure their qualities are protected and enhanced. The register should be taken into account in decision making when considering the implications of developments, which meet the criteria for Environmental Impact Assessment. This was not considered in the screening opinion by the Council and should have been.

The Council's LDP Policy HC 1 (Historic and Cultural Environment) is also clear that the County's distinctive historic and cultural environment will be preserved or enhanced by:

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- Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness;
- Identifying and safeguarding heritage assets, sites and their settings.

The Council's LDP Policy ER 11 (Trees and Hedgerows) also states that development that would adversely affect hedgerows of public amenity or natural/cultural heritage value, or that provide important ecosystem services, will not normally be permitted.

The proposals for the development would not protect or enhance the historic landscape and would include removal of the "Important" hedgerow at the front of the site alongside higher lane. These are significant issues to many people and are unacceptable and are not compliant with national and LDP Policy.

### Other Policy Non-Compliances

There are a number of other policy non-compliances, which amplify the above concerns, including:

- ER 2: Strategic Green Infrastructure Network
- ER 7: Undeveloped Coast
- ER 9: Ecological Networks and Features of Importance for Biodiversity
- T 1: Transport Measures and Infrastructure
- RP 1: safeguarding Public Health and Natural Resources
- RP 3: Air and Light Pollution,
- RP 4: Water Pollution and the Protection of Water Resources
- ER 9: Ecological Networks and Features of Importance for Biodiversity

Previous objections have covered all of these policy issues, and we expect that the Council would not approve any proposal that does not comply with these requirements.

Finally, it would be appropriate for the Council to recognise the scale of opposition to this application, with over 1,700 objections registered on the planning portal. The number of those supporting hasn't even hit double digits. This is a tremendous level of opposition, with objections coming from far and wide, not just the immediate community. It would feel undemocratic and inappropriate for this planning application to proceed in the face of such strong opposition – what's the point in a democratic process if the views of the vast majority and of their elected representatives are overlooked regardless? The process would be flawed and as such it would undermine public trust in the process.

These points of concern must be seriously considered and on the basis of the evidence above, I can see no sound basis for this planning application to receive approval.

### Mumbles Community Council

Mumbles Community Council objects to this planning application on the grounds of the issues raised in the Lichfield's report commissioned by the Council which have not been addressed by the developer and the Statement of Common Concerns and Expectations produced by the community in response to the latest consultation on the application.

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**Bethan Sayed MS/AS**

I am writing to you on behalf of over 200 local residents, and over 1800 residents of all areas of Swansea plus many, many visitors who have visited this area, and who have objected to the proposed plans to build 31 houses in a field in the Gower AONB.

This site was included within the latest LDP, but it is covered by a large number of conditions.

My concerns are that;

1. The LDP conditions must be adhered to Welsh Planning Policy must be followed Swansea City Council to fulfil their legal requirements.
2. There are over 600 documents on the Planning Portal, and the public have been consulted on four occasions, although it is not clear what, if anything has changed.
3. For such a small site, there is a huge amount of support from the public, who have highlighted Planning Policy non-compliance since December 2018, yet neither the developer nor the Planning officer have acted upon any of these observations.
4. This development cannot be allowed to go through in its current form, as it does not align with National Planning Policy.
5. This is an integral part of the Gower AONB and it is in the Coastal Zone and there is a well-used public right of Way running through it.

Key points include:

All the landscape impact assessment work has failed to consider the appropriate issues, as confirmed by NRW.

LDP conditions state that the development should be low lying and that improvements should be sought to the Public Right of Way, plus four other PRowWs.

This proposed development is for mainly 2 story houses with pitched roofs and the right of way will be a walk along a road in an estate.

LDP conditions also state that the Gower AONB design guide should be used.

An independent report from Lichfield's, commissioned by Mumbles Community Council, states "The house types are standard pattern book designs and could, essentially, belong anywhere – there is little attempt to achieve local distinctiveness.

The standard design of the dwellings is an economic approach driven undoubtedly by viability issues". There is nothing that states how this development will conserve or enhance the AONB. I believe this planning application needs to be called and looked at in detail. I fully support the communities efforts in objecting this development.

**Drainage Officer**

We have reviewed the updated DS and dwg 18051-102 Rev J and offer the following comments.

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Previous iterations of the DS proposed an unrestricted discharge to a nearby watercourse that required upgrades to accept such a proposal. This latest design indicates a controlled discharge of 2.7l/s u/s of a culvert under the coastal path.

Bearing in mind this is a very small discharge we have no concerns with this proposal.

Accordingly we recommend the following is appended to any permissions given.

### Condition 1

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

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

### Condition 2

The development shall not discharge to the watercourse network at any rate greater than 2.7l/s as detailed in the Drainage Strategy reference 18051.D.100F dated 19th March 2020.

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

### 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.

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Please also be aware that should there be any changes applied for under Section 73 of the Town and Country Planning Act at a later date the site may then fall under the requirements of Schedule 3 of the Flood and Water Management Act 2010.

### **Highway Authority**

#### Current Application

A Transport Statement (TS) and associated plans have been submitted with this application and these have been reviewed.

#### Access

The proposed development of 31 units will be served via a new access onto Higher Lane. As set out in the previous consultation response, the proposals appear to take account of the majority of the requirements, with the addition of required clarity outstanding on street lighting and traffic calming that only appears to be provided on one side of the approach to the access.

Previous observations stated that the TS does not commit to the dimensions of the access road, the drawings in the appendix of the TS do now confirm that 5.5 metres width is provided on the access road, it was suggested that this may potentially be required to be made wider on bends or where visitor parking is located opposite private driveways. Swept path assessments have been submitted which demonstrate that designated visitor parking opposite driveways have been orientated in a manner which allows access and egress of private drives.

The details of the crossings either side of the access and how these will tie into the opposite footway, which is at a different gradient, has been suggested to be dealt with at detailed design, within the TS.

The private ownership plans suggests the internal network and the area of new highway with the new areas of highway include within private management. As set out previously, the new areas of highway (and footway) on Higher Lane would be required to be built to adoptable standards and offered for adoption to a point at the back of the junction radii and the plateau.

#### Public Transport:

It has been requested and advised in the past responses that the applicant will be required to improve public transport facilities and provide measures to deal with the lack of bus services, especially at weekends. The TS does confirm that the applicant is committed to improve the bus stop facility at Worcester Drive and Cambridge Road via S106, but no further measures are proposed in terms of service improvements.

#### Parking:

The TS states that all plots will have two parking spaces, however, a review of the masterplan confirms that this is not the case, as set out before this is confusing and contradicts the masterplan. Some units have three spaces and some have two.

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The Proposed Site Layout Rev R should include the number of beds for each type of private sale units for ease of review. A,B,C and D Affordable Housing is shown in persons and beds, E,F,G and H Private Sale does not contain this information. Whilst some information has been gained from reviewing Plot Plans this is not clear given the number and letter referencing not carried through. This was raised previously and has not been addressed for ease of review.

Parking must be provided in accordance with the adopted supplementary planning guidance. Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

Parking spaces are required to be provided to the dimensions of 2.6 metres width and 4.8 metres length, this appears to have been provided. Driveways proposed as shown in the layout have been advised to require a minimum of 3.2 metres width. This is not clear from the TS or the parking layout plan.

The parking layout includes multiple drives adjacent to each other. CCS generally only accept a maximum of two driveways alongside each other. Given that the layout has shown three driveways for some time, this may be acceptable although not ideal. What cannot be supported is increasing this further to four drives such as that shown for Plots 1,2,3 and 7, this will need to be redesigned in order to be practicable and useable.

There are six spaces provided for visitor use, which is welcomed. The spaces may require repositioning, such as the two closest the junction and those near the road bend, based on the swept path assessment outputs. The two nearest the junction put vehicles on the opposite side of the road on the approach to the junction. This would not be acceptable given the risk of collision with vehicles entering the site.

#### Swept Path Assessments:

The TS includes Swept Path Analysis (SPA). The refuse vehicle SPA confirms that the proposed turning head at the end of the cul de sac is now inadequate following previous issues that were raised.

The visitor parking near the access would alter the approach of a large vehicle exiting the site towards the junction and this has not been shown in detail, but can be seen in part through the fire tender manoeuvres.

The refuse vehicle is not shown to access the private drive area, only the smaller fire tender, therefore confirmation on the refuse collection arrangements were requested. The planning layout includes an area marked BCP which is assumed to be Bin Collection Point. This appears to be within collection walking distances of 30 metres and is acceptable.

#### Traffic Impact:

The TS has sufficiently set out the likely traffic generation of the site and set this against the existing background of traffic on Higher Lane.

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The forecast traffic impact of the development is low, this compared to existing traffic movements would be a significant percentage impact, but overall low and not likely to be of concern in capacity terms.

In this location it may be appropriate to consider seasonal variation of traffic which is likely to increase Higher Lane flows in the summer. This would in turn result in a lower development impact in percentage terms.

In consideration, the TS has sufficiently presented adequate information in order to consider the likely traffic impact.

**Travel Plan:**

The previous consultation response requested that a Travel Plan was submitted. This has now been provided in the form of an Interim Travel Plan.

Measures include potential funding or contributions towards safe routes to schools, appointment of a Travel Plan Co-ordinator and Personalised Travel Planning. These measures will be reviewed further and may be required to contribute additional measures to work to promote sustainable travel.

**Construction Traffic Management Plan:**

This can be dealt with by way of planning condition.

**Neighbouring Property Access:**

The driveway of the adjoining property is located in close proximity to the site boundary. With the increase in vehicular and pedestrian traffic, further information was requested on whether there is sufficient visibility. This has been provided and the vegetation between the site and the neighbouring access will need to be removed sufficiently to enable pedestrians and drivers to see and be seen as they interact in this area. The parking layout and Highway Plans show this as removed although the planning layout and landscape plans show this retained. This will be required to be confirmed to be removed.

**Conclusion**

There were previously a number of concerns with the application and over the iterations carried out these have been in part addressed as the scheme has evolved. However there are still a number of remaining issues as identified within this consultation response.

There is scope for working to resolve this small number of outstanding issues. Until these issues have been confirmed as resolved the Highway Authority is not able to support this application.

Should the Planning Authority resolve to recommend the scheme for approval, the Highway Authority will require the opportunity to include the necessary planning conditions.



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Conditions would be sought to ensure that: visibility splays are provided to standard and splays kept clear of obstructions and third party land; the access is designed to adoptable standards requiring a S278 agreement; turning areas are appropriate for use by multiple types of vehicles; parking provision in accordance with the SPG; a footway of 2.0 metre width is provided across the frontage of the site; the proposed internal road width is adequate, included pedestrian provision; a construction traffic management plan is submitted; and refuse arrangements are in place including adequate areas for turning.

### **Tree Officer**

No objection.

The proposed planting pits require a full specification either prior to determination or in the event of approval by means of condition.

### **NRW**

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in our letter of 21 February 2020. To be agreed by your Authority's Planning Ecologist.

We note the provision of the revised plans, drawings and documents in relation to the above proposal, including the: 'Design and Access Statement (Rev D)', dated 27 March 2020, by Edenstone Homes Ltd.

We also wish to take this opportunity to highlight that our comments in relation to landscape and the AONB have been advisory, as in our response of 21st February 2020, in which we recommended that you discuss the revised design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current design and layout are in-keeping with the character of the AONB and will minimise any adverse effects.

We did not ask for any requirements in relation to landscape matters and the only condition that we requested in our response of: 21st February 2020, is the one repeated above. For our comments in relation to: Ecology and Protected Species, Protected Sites and Geoscience / Surface Water Disposal, we would also refer you to the above response.

In relation to recent email from Mr. Tim Smale (Edenstone Homes Ltd), dated: 15 April 2020, we would make the following comments:

We note that the photographic studies are part of their site analysis & concept development, not part of the LVIA. However, photographs are included within an LVIA, and it is right that they form part of the assessment.

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We are also aware that Sketchup models are separate from the LVIA assessment and are an illustrative tool. Although, we note that Sketchup was used to illustrate viewpoints, as part of the submission. However, we would also point out that Sketchup is not recommended as a visualisation tool to support LVIA, within Technical Guidance Note (TGN 06/19), by the Landscape Institute.

It is also stated that the request for additional photomontages at this stage is unnecessary & disproportionate, as they were not requested at scoping and would not affect the conclusions.

However, we would point out that NRW recommended the provision of photomontages as part of our statutory pre-application response to JCR Planning Ltd (dated 6 December 2018), and have also consistently done so in our responses to your Authority.

Following the guidance laid down in TGN 06/19, we consider a Type 3 visualisation appropriate to this scale of development within a sensitive landscape (Gower AONB), to represent the appearance, context, form & extent of the development to accompany an LVIA. We also consider it reasonable that LVIA photographs are produced in accordance with the Landscape Institute (LI) guidance and to request the provision of photomontages.

However, notwithstanding the above, we note the email states that the scope of the assessment was agreed with your Authority and that no photomontages were requested to supplement the LVIA.

Therefore, it would be for you, as the determining Authority, to decide whether you are satisfied with the information provided in support of the application, and whether this allows you to make your decision.

### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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

### **Further Re-consultation (21st May 2020)**

Additional and amended plans and reports were received. These plans represented relatively minor amendments to the previously received and a re-consultation with the public was not required.

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### **Housing Enabling**

In response to the planning consult 2018/2634 Land off Higher Lane, Langland, the Housing Service agrees with the proposal in accordance with Policy H5 of the LDP, over 51% of the proposed dwellings to be affordable housing, designed to DQR standards.

I agree with the siting of the affordable housing and the affordable tenure and house types will meet housing need within the area.

### **Placemaking and Heritage Team**

The scheme has been through a long process of negotiation and detailed discussion to this stage. The current submission comprises of minor amendments which are not considered to significantly change the scheme. Due to the minor nature of these changes the latest amendments are considered acceptable.

### **Tree Officer**

No objection.

The changes make no significant difference to the existing trees.

### **Drainage**

The Authority's Drainage Officer has confirmed that the submitted details are acceptable and has requested that the previously suggested conditions are attached to any consent.

### **NRW**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 22 May 2020.

We also wish to highlight that NRW received additional information in relation to the Langland Bay (Rotherslade) SSSI, and the potential for future impacts to the site, as a result of the proposals to manage surface water from the site.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

Condition: Prior to commencement of any works the applicant will submit a Construction Environmental Management Plan (CEMP), with specific measures to protect the Langland Bay (Rotherslade) SSSI.

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### Protected Sites

The Langland Bay (Rotherslade) SSSI contains a series of well exposed glacial sediments, which provide the best evidence available for the limit of Late Devensian glaciation on east Gower and help to constrain the extent of the final ice sheet that covered Britain at the time.

NRW were made aware of concerns that the proposed discharge of surface water (into an existing watercourse to the south-west of the site) could impact upon the SSSI, as the water from this watercourse outflows onto the cliff above Lambswell cove.

It is our understanding that this existing watercourse / drain already carries surface water drainage from Beaufort Avenue and that there are already sections of the geological deposits, which have been eroded, within the boundary of the SSSI.

A certain level/amount of erosion need not be detrimental or damaging to the features of the site as one of the main aims for the site at Langland Bay is to ensure that the sediments are exposed and are available to be studied. It is the actions of wind, rain and tide, which can combine to keep the sediments exposed, so that the full range of rock and sediment types can be studied.

At the present time, we are satisfied that the levels of erosion and waterflow are not adversely impacting upon the site. However, additional flows from the proposed development could impact upon the SSSI and therefore we have undertaken a further assessment of the proposals.

We note the recent submission of the document titled; 'DRAINAGE STRATEGY: PROPOSED RESIDENTIAL DEVELOPMENT, THISTLEBOON, SWANSEA (18051/D100. REV G)', dated May 2020, by Shear Design Ltd.

Although this document does not refer to SSSI (which lies outside the red-line site boundary) and does not appear to have considered any potential impacts as a result of the proposed drainage strategy, we have assessed the information provided and conclude that:

- The development site already drains into the gully, through overland flow ('greenfield rate') and small amounts of infiltration.
- There will be a change in total volume in the drain, but there will be some reduction in how 'flashy' the input (water-flow), from the proposed development site is. This is due to a level of attenuation in the tank/surface storage, which will result in a more controlled flow in storm events (i.e. a 'natural' rate).
- The storm inputs (water-flows) from other sources will remain 'flashy' in character.
- Alternative measures for dealing with the surface water from the site would reduce the current flow in the drain and could have a negative effect on the SSSI.

Therefore, our concerns in relation to impact of the finished development on the SSSI (maintaining the feature of interest in good condition) have been reduced. Nevertheless, there will be an impact as a result of the development, in that while the total volume in the watercourse / drain will stay the same, the character will be more controlled (less 'flashy' / more stable).

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Consequently, it is our opinion that this is unlikely to cause damage and/or a change in the condition of the site. However, given that the site already drains into the gully/watercourse and that there is a hydrological link to the SSSI, we advise that appropriate precautionary measures are put in place during any construction to avoid any impacts to the SSSI.

Therefore, we advise that the following condition should be included on any planning permission that the Local Planning Authority (LPA) may be minded to grant.

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

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

As a minimum we recommend the CEMP 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.
- 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.

We also advise that the following site-specific details / measures, in relation the SSSI, should also be provided as part of the CEMP:

- How sediment will be prevented from being introduced into the drain/watercourse and onwards into the SSSI.
- How the volume / flow of water from the site, and through the drain into the SSSI will be controlled during the construction phase. As uncontrolled releases / increases in flow could impact upon the site, as could a reduced / lesser flow.
- Confirmation that there will be no upgrading of the drain outside of the development area.

Furthermore, any drains laid must also be protected in a way that prevents dirty water from the construction site entering them

Should any works in relation to the drain / watercourse be considered in the future, then NRW must be contacted prior to any works taking place, for advice and to determine whether any permissions are required.

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Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, as indicated in the Drainage Strategy, surface water flows are to be discharged to an existing watercourse. As the drainage system design is ultimately a matter for your Authority's Drainage Engineers, we recommend that you ensure that they are satisfied with the proposals and that the measures outlined above in relation to safeguarding the SSSI, can also be implemented.

Gower AONB

As no new, or additional information appear to have been submitted in relation to landscape and the AONB, we refer your Authority to our previous comments in the letters of: 21st February 2020 and 7th May 2020.

We continue to recommend that you discuss the design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current proposals are in-keeping with the character of the AONB and that it will minimise any adverse effects.

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We believe that we have been consistent in highlighting to your Authority, matters in relation to landscape and the AONB, that you may wish to consider further or obtain additional information on, in order to assist your determination of the application. In our previous responses, we have also suggested that you consider the provision of a Landscape and Hedgerow Management Plan, to minimise any impacts.

However, notwithstanding the above, it remains our understanding that the scope of the landscape assessment was agreed with your Authority and that no photomontages were requested to supplement the LVIA.

Therefore, it would be for you, as the determining Authority, to decide whether you are satisfied with the information provided in support of the application, and whether this allows you to make an informed decision.

Ecology and Protected Species

Our comments remain the same as those made in our previous responses and are repeated below.

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We note the submission of the document entitled: 'Land at Thistleboon, Swansea: Badger Survey', dated February 2019, by Soltys Brewster Ltd.

The survey identified badger activity at the boundaries of the site, in the form of two single hole 'Outlier' setts. Higher levels of badger activity (pathways, latrines, dung-pits), were also noted outside the site boundary.

The survey acknowledges that proposed construction works for a number of plots at the site would fall within 20-30m of the sett, resulting in the need for a licence.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide detailed comments as part of our planning response, however we strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protectedspecies-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welshgovernment/?lang=en>

In addition, we recommend that you discuss this matter with your Authority's Planning Ecologist, as they may have additional comments and requirements.

We also note the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

It is stated that surveys were conducted on the 30 May and 12 July 2018, and that these sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer.'

Please note: The findings of any ecological and species surveys will remain valid for a period of 2 years, from the date they were carried out. Should development at the site not begin until after the 2 years has elapsed, we would advise that you discuss the need for updated surveys, with your Authority's Planning Ecologist.

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### Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

We also advise that your Authority may wish to request the provision of a Lighting Plan / Strategy, in order to avoid any light-spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Llangland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200-metres south of the site.

### Historic Landscape

It is also our understanding that the proposed development site lies within the (non-statutory) Register of Landscapes of Outstanding Historic Interest in Wales, as it forms part of the Gower Registered Historic Landscape (HLW ((WGI) 1).

However, as your Authority will be aware, NRW no longer provide planning advice on matters relating to the Register of Historic Landscapes (RHL). The four Welsh Archaeological Trusts (WATs) are now responsible for providing advice relating to the RHL to Planning Authorities where they already provide historic environment planning advice.

If you have not done so already, then we recommend that you consult the relevant local archaeological trust, for their comments in relation to the proposal.

### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.



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

### Landscape Officer

As part of the LVIA the scheme and its impact has been professionally assessed according to best practice at the time of evaluation and I do not have any adverse issues with the methodology or observations and conclusions.

The landscape scheme has gone through several iterations following pre-application advice and further comments on detail plans. The revised proposed landscape scheme Drawing No 1873201 - SBC - 00 - NA - GA - L - 301 P15 is acceptable subject to the inclusion of the following conditions

#### Pre commencement conditions

1. No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure the protection of the retained trees during construction works.

2. A landscape management plan for the whole development to include management responsibilities and maintenance schedules for all landscaped / public realm areas including overhanging trees and hedgerow species from adjacent land shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The landscape management plan is to identify and confirm how those retained existing or planted trees and trees within shared hedgerows are to be managed in perpetuity, including their replacement as and when necessary. The landscape management plan shall be carried out as approved.

Reason: To ensure that the landscaped areas are adequately maintained and trees and shrubs and those trees within hedgerows under such management retained in the interests of visual amenity.

3. The ownership and future responsibility for all trees shown on the landscape plan are to be identified and associated with individual properties or otherwise the responsibility of a management company as appropriate, for identification of future ongoing responsibility for maintenance and replacement of dead trees. It shall be noted that all trees will be protected by the landscape condition described below and thereafter by Tree Preservation Orders.

Reason To ensure the protection of those trees planted as part of the approved landscape plan in perpetuity, in the interests of visual amenity and in the creation of Place.

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4. Details of tree pits and protection between tree roots and structures are to be provided for written approval by the Local Planning Authority prior to the commencement of the development to show adequate root anchorage, capacity for water retention, the provision of drainage, for irrigation and ventilation and construction details to demonstrate the support of both vehicular and pedestrian paving and vehicular traffic and all overlying paving details, the details should clearly identify how tree roots can grow out to the surrounding environment without disruption to paving and services and that the trees can survive to maturity. The above to include confirmation that all paving, structures and building foundations are to be designed and built to take account of ground conditions, proximity to structures and the growth of adjacent tree planting shown on the approved plans to maturity.

Reason: To ensure that the proposed tree planting in hard paved areas has been suitably detailed to ensure the long term viability of trees to maturity in the interest of visual amenity and in the Creation of Place.

Landscape Condition post construction:

5. Landscape Condition post construction.

The approved landscape management plan is a prerequisite of the planning permission that is to be undertaken for the duration of the development. All trees planted as part of the landscape approval are to be retained in perpetuity by the management programme and written agreement that all trees scheduled as such on the approved plans will be retained for the duration of the management regime

6. Any trees, shrubs or plant material planted in properties not otherwise managed by the Landscape management plan, which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority. Within this period all trees described in private ownership that have been planted as part of the approved landscape plan in mitigation of loss of other trees and or in the creation of Place will subsequently be protected by Tree Preservation Order(s)

Include advisories re disturbance of roosting bats and nesting birds

### **Planning Ecologist**

OUTCOME OF ECOLOGICAL INVESTIGATION – ADDITIONAL COMMENTS June 2020

PLEASE REFER TO ALL PREVIOUS COMMENTS – THESE ALL STILL APPLY

Following receipt of the drainage information, I have concerns regarding impacts on the Langland Bay (Rotherslade) SSSI, located approx. 200 metres south of the site. Therefore, the Condition for the requirement of a CEMP has been updated as per:

Construction Environmental Management Plan (CEMP)

A CEMP is required to be submitted to the LPA for approval, outlining and assessing all necessary pollution prevention measures (especially regarding the adjacent Langland Bay SSSI and any waterbodies). Pollution prevention measures outlined in the CEMP shall be implemented and followed during the construction and operational phase of the development.

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Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

The following site-specific details / measures, in relation to Llangland Bay (Rotherslade) SSSI, shall also be provided as part of the CEMP:

- Methodology for prevention of introduction of sediment into the drain/watercourse and onwards into the SSSI.
- As uncontrolled releases / increases in flow or a reduced/lesser flow could impact upon the site, methodology of controlling the volume / flow of water from the site, and through the drain into the SSSI.
- Confirmation that there will be no upgrading of the drain outside of the development area.

Reason

Prevent pollution of controlled waters and the wider environment.

### ECOLOGICAL SURVEYS

It should be noted that the Phase 1 Habitat survey, Soltys Brewster May 2018 is now out of date. It is widely accepted that survey data is only valid for a period of two years. Therefore, I advise that the survey must be repeated and compared to previous results, and any new mitigation requirements included. This updated report shall be submitted to the LPA for approval, prior to any decision. The bat activity report will expire in July, so may also need to be repeated if there is a delay in the application process.

### LANDSCAPING/GREEN SPACE

I would advise that the Soft Landscape Plan and Green Space Strategy do not go far enough to benefit or enhance biodiversity. There are greater opportunities to increase biodiversity and connectivity with other habitats. This will help meet Swansea Council Policy ER2 and the Council's duty to seek to maintain and enhance biodiversity under the Environment (Wales) Act 2016 – Section 6 Biodiversity and Resilience of Ecosystems Duty.

It is acknowledged that the plans provides for the use of some native tree, hedgerow and shrub species. However, these should be of local or at least Welsh provenance. The incorporation of species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes/meadow mixes for lawns/gardens to enhance the habitat for local birds and invertebrates. Some of this is shown in the plan, but there is scope for wider provision. This will improve ecological connectivity across the site and with other nearby habitats. The green verges should be planted with suitable native and perennial wildflower species.

Due to the coastal location of the site, the proposed landscaping scheme should also incorporate native coastal species, particularly those located on the nearby cliff tops, maritime slopes and headlands around Gower. It is recommended that opportunities should be explored for planting suitable areas on site with some of the following local coastal species:

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sea thrift – *Armeria maritima*  
sea holly – *Eryngium maritimum*  
rock samphire – *Crithmum maritimum*  
golden samphire – *Limbarda crithmoides*  
rock sea spurrey – *Spergularia rupicola*  
sea aster – *Aster tripolium*  
sea thrift – *Armeria maritima*  
kidney vetch – *Anthyllis vulneraria*  
spring squill – *Scilla verna*  
English stonecrop – *Sedum anglicum*  
wild thyme – *Thymus serpyllum*  
bird's foot trefoil – *Lotus corniculatus*  
cowslip – *Primula veris*  
primrose – *Primula vulgaris*  
greater knapweed – *Centaurea scabiosa*  
carline thistle - *Carlina vulgaris*  
bell heather – *Erica cinerea*  
sea campion – *Silene uniflora*  
common rockrose – *Helianthemum nummularium*  
speedwell species – *Veronica* sp.  
eyebright species – *Euphrasia* sp.  
tormentil - *Potentilla erecta*  
ladies bedstraw – *Galium verum*  
rest harrow – *Ononis repens*  
field scabious – *Knautia arvensis*

As previously commented on, hedgerow edges can enhance biodiversity by planting with herbaceous plants and bulbs. These will attract bees, butterflies and other insects as well as providing ground cover for smaller animals. Seeds that are tolerant of semi-shade and are suitable for sowing beneath newly planted or established hedges should be used eg

- Yarrow (*Achillea millefolium*)
- Agrimony (*Agrimonia eupatoria*)
- Common knapweed (*Centurea nigra*)
- Wild basil (*Clinopodium vulgare*)
- Hedge bedstraw (*Galium album*)
- Wood avens (*Geum urbanum*)
- Oxeye daisy (*Leucanthemum vulgare*)
- Ribwort plantain (*Plantago lanceolata*)
- Cowslip (*Primula veris*)
- Red campion (*Silene dioica*)

Therefore, a revised Soft Landscape Plan and Green Space Strategy will be required to be submitted to the LPA for approval, prior to any determination.

**Highway Authority**

Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping (Amended plans received)

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### Background

This application has been in the planning system for some time and subject to a number of revisions, of recent note there has been a masterplan change from 33 dwellings to 31 dwellings.

There was a pre-application made Reference 2017/2628/PRE this related to 47 dwellings and set out the Highway Authority's position. This set out:

A request for a Transport Statement;

Provision of a new 2 metre footway along the southern section of Higher Lane:

1. Plateau at access to development (to help to reduce speed) – could tie into new footpath to provide easier pedestrian access/crossing facility
2. Signage and markings to complement above
3. Improved bend/chevron warning signs
4. Continue footway adjacent to 109 Higher Lane (currently grassed area)
5. New street lighting to tie into planned plateau location.
6. Possible need for traffic calming either side of access in the form of speed cushions (concern regarding tie into existing highway near Cambridge Road – need to more detail to ensure any improvement does not create higher approach speeds)

The confirmation of a lack of public transport services and the requirement for improvement measures;

Confirmation that driveways should be a minimum of 3.2 metres in width;

Requirement for visitor parking;

Confirmation whether the internal layout is proposed to be offered for adoption; and

Further documents such as a Travel Plan and Construction Method Statement.

Following this a PAC was submitted for 33 dwellings and the Highway Authority re-iterated the above comments and added:

1. A plateau at the access to act as a traffic calming measure (signage and parking will be required to compliment this)
2. The setting back of the site frontage along Higher Lane to provide a minimum 5.5m width carriageway with a 2m footway complete with adequate drainage and street lighting. All access works/improvements will need to be undertaken under a Section 278 agreement with the Highways Authority. .
3. Improved bus stop facilities on Worcester Drive and Cambridge Road.
4. A pedestrian crossing point to the East of the proposed access, which will incorporate a raised table, as an additional traffic calming feature.

There was concern expressed on parking provision being remote from the dwellings and visitor or on street parking being an issue as the swept path assessments indicated that large vehicles require the use of full width of the carriageway.

Within this current application the Highway Authority has provided informal comments through the process requesting more information and providing advice, the comments include:

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Requests to update superseded layouts for swept path assessments;  
Requests for updated Transport Statement;  
Confirmation that refuse vehicle overhang of the footway at the turning area would not be acceptable;  
Provided information on the concerns of the neighbouring property, which included the requirement for consideration to be given to the existing driveway access.

The above history has been taken into account in this consultation response.

### Current Application

A Transport Statement (TS) and associated plans have been submitted with this application and these have been reviewed.

### Access

The proposed development of 31 units will be served via a new access onto Higher Lane. As set out in the previous consultation response, the proposals appear to take account of the majority of the requirements, with the addition of required clarity outstanding on street lighting and traffic calming that only appears to be provided on one side of the approach to the access.

Previous observations stated that the TS does not commit to the dimensions of the access road, the drawings in the appendix of the current version of the TS do now confirm that 5.5 metres width is provided on the access road, it was suggested that this may potentially be required to be made wider on bends or where visitor parking is located opposite private driveways. Swept path assessments have been submitted which demonstrate that designated visitor parking opposite driveways have been orientated in a manner which allows access and egress of private drives. Through ongoing discussions it was established that the visitor parking shown on the planning layouts is for informative purposes only and will not be formally introduced on the ground.

The details of the crossings either side of the access and how these will tie into the opposite footway, which is at a different gradient, has been suggested to be dealt with at detailed design, within the TS.

The private ownership plans suggest the internal network and the area of new highway within will be retained in private management. As set out previously, the new areas of highway (and footway) on Higher Lane would be required to be built to adoptable standards and offered for adoption to a point at the back of the junction radii and the plateau.

### Public Transport:

It has been requested and advised in the past responses that the applicant will be required to improve public transport facilities and provide measures to deal with the lack of bus services, especially at weekends. The TS does confirm that the applicant is committed to improve the bus stop facilities at Worcester Drive and Cambridge Road via S106, but no further measures are proposed in terms of service improvements. Given that the scheme has reduced in scale over the various iterations, the public transport enhancements are considered broadly in line with expectations.

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#### Parking:

Parking must be provided in accordance with the adopted supplementary planning guidance. Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

The TS states that the masterplan will accord with the above, after post submission discussions were held and subsequent masterplan revisions, this is confirmed that this to have been carried through to the design proposals.

Parking spaces are required to be provided to the dimensions of 2.6 metres width and 4.8 metres length, from a review of the masterplan this appears to have been provided. Driveways proposed as shown in the layout have been advised to require a minimum of 3.2 metres width. This is confirmed within the TS to be provided within the layout.

The parking layout includes multiple drives adjacent to each other. CCS generally only accept a maximum of two driveways alongside each other. Given that the layout has shown three driveways for some time, this may be acceptable in this location, although not ideal.

There are six spaces provided for visitor use, which is welcomed. As set out earlier in this consultation, the visitor spaces are indicative of where parking opportunities could occur. These spaces will not be set out physically within the completed development layout therefore previous concerns over the spaces nearest the site access junction have been largely overcome. The parking would instead occur within the layout where driveway access allows.

#### Swept Path Assessments:

The TS includes Swept Path Analysis (SPA). The refuse vehicle SPA confirms that the proposed turning head at the end of the cul de sac is adequate following previous issues that were raised and subsequent updates to the design.

As mentioned already in this consultation response, the visitor parking which is indicated near the access would alter the approach of a large vehicle exiting the site towards the junction. This caused initial concern, which has since been worked through by ensuring that the visitor spaces show on the masterplan are for information purposes and will not be formally marked out.

The refuse vehicle is not shown to access the private drive area, only the smaller fire tender, therefore confirmation on the refuse collection arrangements was requested. The current planning layout includes an area marked BCP which is has been confirmed to be 'Bin Collection Point'. This appears to be within collection walking distances of 30 metres and is acceptable.

#### Traffic Impact:

The TS has sufficiently set out the likely traffic generation of the site and set this against the existing background of traffic on Higher Lane.

The forecast traffic impact of the development is low, this compared to existing traffic movements would be a significant percentage impact, but overall low and not likely to be of concern in capacity terms.

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In this location it may be appropriate to consider seasonal variation of traffic which is likely to increase Higher Lane flows in the summer. This would in turn result in a lower development impact in percentage terms.

In consideration, the TS has sufficiently presented adequate information in order to consider the likely traffic impact.

#### Travel Plan:

The previous consultation response requested that a Travel Plan was submitted. This has now been provided in the form of an Interim Travel Plan.

Measures include potential funding or contributions towards safe routes to schools, appointment of a Travel Plan Co-ordinator and Personalised Travel Planning. These measures will be reviewed further at the stage of formal submission to discharge the relevant planning condition and may be required to contribute additional measures to work to promote sustainable travel. In terms of the Interim Travel Plan which has been submitted, we would advise that a five year commitment to targets and monitoring would be sought, over the three years offered.

#### Construction Traffic Management Plan:

This can be dealt with by way of planning condition.

#### Neighbouring Property Access:

The driveway of the adjoining property is located in close proximity to the site boundary. With the increase in vehicular and pedestrian traffic, further information was requested on whether there is sufficient visibility. This information has been provided and the vegetation between the site and the neighbouring access has been included within the highway works package. This will need to be removed sufficiently to enable pedestrians and drivers to see and be seen as they interact in this area. The layout plans now all confirm the removal of this vegetation.

#### Section 106 Contributions:

The proposals include a number of changes to the local highway network which will be required to facilitate access. These will be dealt under Section 278 works and include, but not limited to, footway provision along the site frontage, traffic calming, pedestrian crossing, footways connections with the northern section of the highway and PRoW diversion works.

In addition to the above, further enhancements are proposed which will form part of a Section 106 Contributions agreement. The applicant will provide dropped kerbs and tactile paving at a new crossing location across the existing junction of Cambridge Road with Higher Lane. The applicant will fund improvements at the Worcester Drive and Cambridge Road bus stop facilities, this will include bus shelters and timetabling information.

#### Conclusion:

There were previously a number of concerns with the application and over the iterations which have since been carried out these have been largely addressed as the scheme has evolved.



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The Highway Authority removes previous recommendations for objection, subject to appropriate planning conditions attached to any grant of planning permission.

Conditions would be sought to ensure that: visibility splays are provided to standard and splays kept clear of obstructions and third party land; the access is designed to adoptable standards requiring a S278 agreement; turning areas are appropriate for use by multiple types of vehicles; parking provision in accordance with the SPG; a footway of 2.0 metre width is provided across the frontage of the site; the proposed internal road width is adequate, included pedestrian provision; a construction traffic management plan is submitted; and refuse arrangements are in place including adequate areas for turning.

The recommended conditions which should form part of any permitted scheme are set out below.

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

All access works, relating to the highway Higher Lane and the Public Right of Way MU5, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

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

- ii No development (except demolition) shall commence until full engineering, street lighting and construction details of the internal road layout and footways have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roads and footways shall be constructed in accordance with the approved details.

Reason: To allow proper consideration of the construction details in the interests of highway and pedestrian safety.

- iii 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 the development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that the development is provided with satisfactorily maintained and managed streets.

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iv No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

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

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

Reason: In the interests of highway safety and general amenity

vi Prior to any of the dwellings hereby approved being brought into beneficial use, the proposed footway along the site frontage, at 2.0 metre width, shall be extended to and connected to the existing footway to the west of the site, and crossing and connection made to the footway to the north of the site, in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety and general amenity

vii Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (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.

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Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- ix 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 and for 5 years of monitoring. 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.

- x No development shall commence until a Stage 1 Road Safety Audit of the access and internal layout, to include amelioration measures where necessary, has been submitted to and approved in writing by the LPA. The approved amelioration measures shall be implemented prior to the first beneficial occupation of any dwelling deriving access from that part of the road/ street.

Reason: To ensure the access and internal road layout is safe for future users.

- xi All boundary treatments forward of the principle building line and/ or immediately adjacent to a parking space shall be kept at a maximum height of 1m.

Reason: In the interests of highway safety to ensure adequate visibility splays are provided for all plots and the interests of visual amenity to ensure the landscaping is maintained across the site.

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

We would require the works outside of the Higher Lane access area to be completed by way of contribution.

The S278 will include all the improvements required for site access, traffic calming, PRoW diversion, footway provision and connections to the opposite side.

The proposals to provide crossing improvements at Worcester Drive and the bus travel infrastructure would be a S106 process.

We have looked into the potential costs for the purpose of informing the S106 agreement and can confirm the following:

Pedestrian crossings:

To include dropped kerbs, tactile paving, footway construction through existing verge and associated works tie in, design work and site supervision £7,500

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Bus infrastructure:

To include shelters, poles, timetable information, footway tie in and any necessary adjustments, design and site supervision £12,900

The total of contributions is £20,400

### **Countryside Access Team**

The Countryside Access Team wishes to object to the proposed development as we believe that the drainage could detrimentally effect footpath MU2, which is a fundamentally important section of the All Wales Coast Path and one of the busiest footpaths in the county. Throughout this process the Countryside Access Team has endeavoured to protect the footpaths and footpath network for future generations.

The developers are looking to build on a site that has heavy clay soils that are, according to their drainage tests, relatively impermeable. As such, soakaways would not be able to deal with the water. To comply with suds legislation the developers wish to use an attenuation system featuring a flow restrictor. The water will then be transported to an open drain already in situ off site and be allowed to flow straight into the sea. The water will be transported either by an open drain, or via a submerged pipe. The open drain that the developer wishes to link into is already causing significant erosion at the coast. The concrete drainage channel has broken in numerous places and dropped down the gully that has been formed, (please find images attached).

Currently on site, when it rains, water is slowed by the fields. It is taken up by the grass, trees and hedgerows and pools and ponds in significant amounts in certain areas, some on site, some on adjacent fields. Some of the water finds its way onto footpath Mu5 off site and again disperses through the green fields and vegetation. None of the water currently travels the 230 metres to end up in the drainage channel entering the sea at a point 340 metres away. Some of it will no doubt reach the sea, but this will be in a dispersed manner and at a very slow rate. The proposed system focuses the water for the whole site towards the attenuation tank and then transfers it off site to the open drain, which again focuses a large volume of water towards the area that is already eroding badly. I am aware that a flow inhibitor will prevent the water from all rushing at once to the drain, but it will still at times focus the water for the whole site and, in worst case scenario 2.7 litres of water / second towards the drain. As stated previously this amounts to 162 litres of water a minute, 9.72 tonnes of water / hour, 233 tonnes of water in a 24 hour period. This is a significant amount of water to be discharged onto an already severely eroding site. The Countryside Access Team understands that there is a significant holding tank for the development but believe there will be a constant flow of water to the drain, especially during periods of high rainfall.

The Countryside Access Team is aware of the fact that the drainage team has approved the drainage plan, but we believe that this only takes into account what is required with regards to suds. We do not believe it takes into account what is affected off the site, for example biodiversity, habitats and erosion of council owned land. An email from Dan in drainage states

The Countryside Access Team is aware of the fact that the drainage team has approved the drainage plan, but we believe that this only takes into account what is required with regards to suds. We do not believe it takes into account what is affected off the site, for example biodiversity, habitats and erosion. An email from Dan in drainage states

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The larger issue is the 375mm existing sewer which will be able to discharge full bore which may have an impact although this cannot be quantified without undertaking hydraulic modelling.

The consideration of erosion is incredibly complicated and involves looking at sediment, wave, storm and tidal movements, it would be impossible to pin point this discharge's effect within the confidence limits of any model.

If erosion is a major concern the drainage section is unable to assist in undertaking a formal assessment as it is a very specialised area.”

This excerpt of an email from drainage suggests that the drainage team has not looked at the coastal erosion as such, and does not have the resources to do so. As the land in question is owned by the council, is common land, is within the AONB and is also a S.S.S.I, in the Countryside Access Team's opinion, this erosion needs to be factored in to any planning application due to the potentially devastating effects this could have on the coast path and on council land ownership. There are also other factors that will affect the amount of water leaving the site such as; Future extensions to the houses, paving over of gardens and removal of trees from gardens or surrounding hedgerows to allow more light in. I recall Dan stating he could ask for removal of permitted development rights, which would help reduce the amount of water leaving the side in the future.

With regards to public footpath MU5 being diverted along the street scene, we are happy with this.

With regards to the drainage channel / pipe, linking to the open drain, we would have to see where they wished to run the pipe / open drain and comment further then. We would however prefer a sub-surface drain as there is less chance of someone injuring themselves.

With regards to the new legally dedicated footpath linking over to meet with footpath MU3 from the bottom of the development, we are happy with this.

With regards to the £25,000 section 106 monies to improve the coast path, we are happy with this.

When the development is being built, a temporary closure will have to be applied for to ensure site safety. I don't doubt that people will utilise the lane to the west of the site to gain access to the coast path and this should be taken into account by the developer.

### **Countryside Access Team – Updated Comments**

Following discussion with the Applicant and investigation from the Authority's Coastal Engineers it was decided that a financial contribution via a Section 106 was required to repair and mitigate any damage as a result of the development. A figure of £30,350 has been agreed and on this basis the Authority's Countryside Team withdrew their objection.

### **Planning Ecologist**

OUTCOME OF ECOLOGICAL INVESTIGATION – ADDITIONAL COMMENTS June 2020

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PLEASE REFER TO ALL PREVIOUS COMMENTS – THESE ALL STILL APPLY

Following receipt of the drainage information, I have concerns regarding impacts on the Langland Bay (Rotherslade) SSSI, located approx. 200 metres south of the site. Therefore, the Condition for the requirement of a CEMP has been updated as per:

### Construction Environmental Management Plan (CEMP)

A CEMP is required to be submitted to the LPA for approval, outlining and assessing all necessary pollution prevention measures (especially regarding the adjacent Langland Bay SSSI and any waterbodies). Pollution prevention measures outlined in the CEMP shall be implemented and followed during the construction and operational phase of the development.

### Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

The following site-specific details / measures, in relation to Langland Bay (Rotherslade) SSSI, shall also be provided as part of the CEMP:

- \* Methodology for prevention of introduction of sediment into the drain/watercourse and onwards into the SSSI.
- \* As uncontrolled releases / increases in flow or a reduced/lesser flow could impact upon the site, methodology of controlling the volume / flow of water from the site, and through the drain into the SSSI.
- \* Confirmation that there will be no upgrading of the drain outside of the development area.

### Reason

Prevent pollution of controlled waters and the wider environment.

### ECOLOGICAL SURVEYS

It should be noted that the Phase 1 Habitat survey, Soltys Brewster May 2018 is now out of date. It is widely accepted that survey data is only valid for a period of two years. Therefore, I advise that the survey must be repeated and compared to previous results, and any new mitigation requirements included. This updated report shall be submitted to the LPA for approval, prior to any decision. The bat activity report will expire in July, so may also need to be repeated if there is a delay in the application process.

### LANDSCAPING/GREEN SPACE

I would advise that the Soft Landscape Plan and Green Space Strategy do not go far enough to benefit or enhance biodiversity. There are greater opportunities to increase biodiversity and connectivity with other habitats. This will help meet Swansea Council Policy ER2 and the Council's duty to seek to maintain and enhance biodiversity under the Environment (Wales) Act 2016 – Section 6 Biodiversity and Resilience of Ecosystems Duty.

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It is acknowledged that the plans provides for the use of some native tree, hedgerow and shrub species. However, these should be of local or at least Welsh provenance. The incorporation of species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes/meadow mixes for lawns/gardens to enhance the habitat for local birds and invertebrates. Some of this is shown in the plan, but there is scope for wider provision. This will improve ecological connectivity across the site and with other nearby habitats. The green verges should be planted with suitable native and perennial wildflower species.

Due to the coastal location of the site, the proposed landscaping scheme should also incorporate native coastal species, particularly those located on the nearby cliff tops, maritime slopes and headlands around Gower. It is recommended that opportunities should be explored for planting suitable areas on site with some of the following local coastal species:

sea thrift – *Armeria maritima*  
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kidney vetch – *Anthyllis vulneraria*  
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wild thyme – *Thymus serpyllum*  
bird's foot trefoil – *Lotus corniculatus*  
cowslip – *Primula veris*  
primrose – *Primula vulgaris*  
greater knapweed – *Centaurea scabiosa*  
carline thistle - *Carlina vulgaris*  
bell heather – *Erica cinerea*  
sea campion – *Silene uniflora*  
common rockrose – *Helianthemum nummularium*  
speedwell species – *Veronica sp.*  
eyebright species – *Euphrasia sp.*  
tormentil - *Potentilla erecta*  
ladies bedstraw – *Galium verum*  
rest harrow – *Ononis repens*  
field scabious – *Knautia arvensis*

As previously commented on, hedgerow edges can enhance biodiversity by planting with herbaceous plants and bulbs. These will attract bees, butterflies and other insects as well as providing ground cover for smaller animals. Seeds that are tolerant of semi-shade and are suitable for sowing beneath newly planted or established hedges should be used eg

- Yarrow (*Achillea millefolium*)
- Agrimony (*Agrimonia eupatoria*)
- Common knapweed (*Centurea nigra*)
- Wild basil (*Clinopodium vulgare*)

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- Hedge bedstraw (*Galium album*)
- Wood avens (*Geum urbanum*)
- Oxeye daisy (*Leucanthemum vulgare*)
- Ribwort plantain (*Plantago lanceolata*)
- Cowslip (*Primula veris*)
- Red campion (*Silene dioica*)

Therefore, a revised Soft Landscape Plan and Green Space Strategy will be required to be submitted to the LPA for approval, prior to any determination.

**Dwr Cymru / Welsh Water**

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

We note that our consultation response (Ref: PPA0003630) has been acknowledged and included at Appendix 2 of the accompanying Pre-Application Consultation (PAC) Report, prepared by JCR Planning, which acknowledges the status of the site as allocated land and highlights that foul flows can be accommodated within the public sewerage system. Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

**Condition**

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

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

**Advisory Notes**

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.



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The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

### **Main Issues**

The main issues to consider in the determination of this application relate to the acceptability of the principle of residential development on this site, impact of the development on the character and appearance of the area including the Gower AONB, residential amenity impacts upon neighbouring occupiers and future residents, impacts of the development on access, parking and highway safety, as well as impacts on trees, ecology, drainage and environmental interests, with regard to the prevailing provisions of policies of the LDP, Adopted SPG and National Policy and Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Principle of Development**

The Local Development Plan 2010-2025 (LDP) was formally adopted on the 28th February 2019. As such, the LDP is the most up-to-date policy framework for determining planning applications.

The application site is allocated as a 'Local Needs Housing Exception site' under Policy H5 of the LDP.

LDP Policy H5 allocates sites for local needs housing to meet an identified social and/or economic need. The application site is allocated under the Policy as H 5.6.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted.

Within this application, the proposed ratio of affordable housing and market housing on the site meets H5 criteria - 16 affordable units (51.6%) and 15 Local needs market housing (48.4%) are proposed.

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Evidence currently indicates that Oystermouth has a variety of house types with the majority comprised of 3 and 4 bedroom dwellings and fewer 2 bedroom dwellings. In order to accord with Policy H5, the planning application is therefore required to provide a suitable proportion of smaller market properties to provide opportunities for both newly formed households and those wishing to downsize.

The 16 (51.6%) units of affordable housing comprises:

2 x one bed bungalows,  
4 x two bed bungalows,  
6 x two bed houses and  
4 x three bed houses.

The 15 (48.4%) units of 'local needs' open market housing comprises:

4 x two bed houses, and 11 x three bed houses.

Four of the three bed open market houses (House Type H) are to be built in accordance with the 'Lifetimes Homes' standards and are therefore adapted for all potential occupants needs.

The mix of types of houses is welcomed and reflects the needs of the area identified within the LDP. Furthermore, the integration of affordable and market housing in the layout of the development is welcomed.

It should be noted that in order to comply with LDP Policy H5, a local occupancy criteria condition will be applied to the local needs market homes to ensure that the dwellings are not used as a second home/holiday home. House type H will also be conditioned to ensure they are constructed to the 'Lifetime Homes' standard.

It is considered that the scheme is acceptable in terms of the principle of development, as it complies with the criteria set out in Policy H5 of the adopted LDP. The application will deliver a proportion and absolute number of affordable and market homes that will serve to address a particular local need within the Gower Fringe Zone, which marks a positive and welcome contribution to development needs for the area, on a site that has been endorsed by the Council as being appropriate in principle for such development.

As such, the principle of the development is considered to be acceptable and complies with the provisions of Policy H5 of the adopted Local Development Plan 2010-2025.

### **Agricultural Land Classification**

The Applicant submitted an Agricultural Land Classification report with the application which identifies the site as being Subgrade 3a - Good Quality (Best and most versatile Land). Welsh Government Officers have confirmed that the survey has been completed in accordance with the Revised Guidelines and Criteria for Assessing Agricultural Land Quality (MAFF1988) and provides a reliable picture of agricultural land quality across the site.

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Planning Policy Wales (PPW) at paragraph 4.10 states that "*Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade*".

The principle of developing the site is considered to be acceptable due to it being allocated as a Local Needs Housing Exception site within the recently adopted LDP.

The issue of the site being Grade 3a agricultural land would have already been considered during the LDP process, prior to the site being designated as a Local Needs Housing Exception site. Consequently, the need to provide the development (in accordance with the LDP designation) outweighs the need to protect this Grade 3a agricultural land.

### **Placemaking, Design, Visual Amenity & Impact upon the AONB**

The key considerations from a placemaking and design aspect are how the development responds to its context and contributes towards a sense of place. As a result of the design, layout and orientation of buildings and spaces the place created should be attractive, legible, healthy, accessible and safe environment. Alongside this the proposal is within the Gower Area of Outstanding Natural Beauty (AONB) and the Local Planning Authority has a duty under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The key aspects are set out in policies PS2 and ER4 of the LDP.

As documented in the report the proposed layout has been amended a number of times during the course of the application due to concerns regarding the layout of dwellings at the site in order to ensure that the site responds appropriately to its context in line with the thrust of policies within the LDP.

The proposed layout now offers a semi-rural character with hedges, trees, and includes an informal open space / natural play area and as such would form a sensitive transition to the adjacent countryside.

The north, south and western parts of the site include pedestrian links to maximise integration of the existing and proposed communities. These links maintain the existing right of way, provide access for existing residents to the play facilities in the southern part of the site and provide access to the heritage coast.

The plot sizes are not standard throughout the site and reflect the general lack of conformity of plot sizes in the local area, with all plots being of an acceptable standard. There is a variety of house types including two storey detached, semi-detached dwellings and semi-detached bungalows. The adequate spacing between dwellings ensures an acceptable level of openness and greenery, which respects the site's location within Gower AONB.

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The proposal includes a variety of house types, however these share a visual relationship and afford the development a strong visual character. The window openings, roof pitches and cladding materials positively reflect the character of the local area and reflect the traditional Gower Vernacular in accordance with the SPG - Gower Design guide. It is considered that the proposal will provide a good range of accommodation types.

The materials include a mixture of render and stonework to external walls, grey tiles to the roof, dark grey uPVC windows and black uPVC rainwater goods. The dwellings all have gable ended roofs and modern overhanging porches. A number of the houses have small modern conservatory style rear single storey projections whilst four of the dwellings to plots 12-15 have two storey gable end projections with stone cladding.

The smaller affordable units are of a similar design and utilise the same external materials as that of the open market dwellings, albeit on a smaller scale. The aspiration of the development is for affordable properties to be indistinguishable from private dwellings. Whilst it is noted that the affordable housing is of smaller scale it is not considered that this is significant and would not be immediately obvious on site.

The development includes four 'Lifetime Homes', which are built to be accessible, inclusive, flexible and sustainable. The dwellings meet the 16 point criteria set-out by the Lifetime Homes scheme. This will allow the homes to be easily adaptable for future occupants needs and includes features such as wide halls and a lift.

In terms of wider visual impacts from outside of the application site the submitted Landscape Character Appraisal and the Visual Impact Assessment provides an analysis of potential landscape and visual effects from the proposed development. A series of three key viewpoints from areas around the site have been identified and the report includes an assessment of landscape effects upon identified LANDMAP aspect areas within which the site is located.

Viewpoint 1 – Higher Lane

Viewpoint 1 is the view looking towards the site from Higher Lane where the viewpoint is not one of recognised value in terms of planning, heritage or cultural designations. Although given the viewpoint is immediately adjacent to the Gower AONB it was regarded as high to moderate value. From the view the access point can be seen alongside the vehicular access to No. 104 Higher Lane which forms part of the eastern site boundary. The analysis sets out that the development will be clearly perceptible across the majority of the view and views into the site would be achieved from two openings along Higher Lane. The report summarises this viewpoint stating: *"Whilst there may be some perception of adverse effects in changing views of hedgerow and open field beyond to developed land, this is balanced with the potential beneficial effects of the development, including the translocated northern site boundary hedge with improved associated management, a positive sense of place and the contribution of proposed strategic landscape. On balance, effects are considered to be neutral".*

Viewpoint 2 – Wales Coast Path

The viewpoint has a recognised value through its designation in terms of being within the Gower AONB and being a viewpoint from the Wales Coast Path.

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The viewpoint is taken from the coast path to the south-west of the application site. It is over rough grassland towards the site and the rear of properties along Beaufort Avenue, Higher Lane and Channel View and the pastoral fields to the south of the application site beyond. In terms of the view itself the rear and side elevations of the residential units along the south – western edge of the proposed site will be perceptible above and between intervening vegetation and built form. The existing southern field boundary will be strengthened by proposed hedgerow planting which would partially screen the lower sections of the residential plots along the southern boundary. Additional vegetation will be visible in and around the site. The report sets out that typically only views of the south – western and southern residential plots would be available and the north-western and eastern plots would be heavily screened by the proposed intervening south-western plots, the internal landscape structure and site boundary vegetation. The analysis undertaken sets out that the view will “*remain to be dominated by its retained urban fringe character with visually integrated rural and urban components.*” and the “*significance of visual effects of the proposed development is considered to be minor, not significant and neutral*”.

#### Viewpoint 3 – Wales Cost Path Snaple Point

This viewpoint is also recognised for its value in terms of the AONB and coast path. Taken from the Wales Coast Path at Snaple Point it is to the West of the application site. A panoramic and open view is over a rough grassland/bracken covered cliff top with Langland Bay looking towards to the application site and pastoral fields and cliffs to the south of the application site. The development will result in a small number of additional element within the view but will lonely occupy a very small, narrow section of the far distance. The longer distance views will be limited to the roofscape, exterior profiles of residential plots and the proposed structural landscape, partially screened by retained vegetation. The analysis sets out: *The proposed development would result in a slight introduction of additional landscape features which contribute to the existing visual character, but these additional features are of the same nature as existing dominating visual elements. The overall visual quality and composition of the view, characterised by the coastal location, would remain prevalent and the proposed development would be perceived as part of the existing settlement of Thistleboon. Crucial visual qualities would not be fundamentally affected, and the proposed development would be readily absorbed within the expansive view. As such significance of visual effects is therefore assessed as minor to negligible, not significant and neutral*

Following full analysis the report concludes that the effects on the landscape character are predicted to be limited due to the combination of the topography, vegetation and existing man-made elements which assist to integrate the scheme within its landscape setting. With the exception of the land within the site boundary itself, and the locations immediately surrounding it, it is considered that the development would not have a significant adverse impact on the natural assets of Gower AONB, and the development is of a form and scale, design, density and intensity of use that is compatible with the character of the Gower AONB. It is therefore accepted that the underlying landscape character of the Gower AONB will remain unchanged.

Concerns have been articulated in the submitted objections to the application contending that the submitted landscape assessment is not sufficient.

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It references that the assessment does not include reference to the Gower AONB Landscape Character Assessment, does not consider cumulative impacts of development and makes no consideration of seascape or coastal impacts in the AONB. The submissions raise issue with the visualisation of the development and state that there are no appropriately considered views from the Wales Coastal Path, public right of way or neighbours. Regard has been given to the information submitted and the Council's Landscape Officer has considered the information in full and considered that the LVIA has been professionally assessed according to best practice and there are no adverse issues with the methodology, observations or conclusions that have been reached.

In terms of the impacts arising from the development it has been demonstrated that the site will not give rise to adverse impacts and it is not considered necessary to produce additional viewpoints or analysis from coastal points. The submitted LVIA does not make reference to the 'Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment – November 2017' but the impacts arising in terms of coastal impacts have duly been considered following LANDMAP assessment in the report and by officers in reaching a recommendation on the application. There are no developments of any scale of more than householder developments to existing dwellings adjoining or near the development site that would result in a cumulative impact that would need further scrutiny or assessment.

In summary it is considered that the scheme, following negotiation and amendment, has been well designed to take into account its location within the Gower AONB and meets the aims and requirements of policies PS2 and ER4. The development will not have a significant adverse impact on the natural assets of the AONB, it will contribute to the social and economic well-being of the local community through affordable housing provision, will be of a scale, form, design, density and intensity of use that is compatible with its surroundings and character of the AONB, is designed to a high standard and will conserve and enhance the natural beauty of the AONB.

### **Residential Amenity**

In terms of residential amenity impacts, the properties to Beaufort Avenue would be in proximity of the western edge of the application site. However rear boundaries of the properties would be detached from the site by an unnamed lane and the existing mature hedgerow. Taking account of the separation of these dwellings from the site by the lane and the hedgerow it is not considered that there would be any harmful residential impacts in regards to overlooking, overbearance or overshadowing.

No.104 Pennard Drive directly borders the east of the site and the mature boundary hedge is contained within the curtilage of this neighbour. The curtilage of plots 16 – 20, 27 and 28 would abut the shared boundary, along with the parking areas for plots 27 – 29. Plots 27 and 28 are bungalows and the proposed scale of the properties in conjunction with the boundary treatment is considered sufficient to negate any unacceptable overbearing and overlooking impacts. The two storey dwellings to plots 16 – 20 are positioned a significant distance from the shared boundary to prevent any physical impacts upon the neighbouring occupiers. It is noted that the nature of housing in this location would introduce a different impact on the neighbouring occupants of No.104, given that this property currently has no neighbours.

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However the proposed dwellings are positioned in excess of the 10m minimum distance as required by the Authority's Residential Design Guide. It is therefore considered that the proposals would have an acceptable impact on the existing neighbour in residential amenity terms.

The residential houses to Channel View are located on the opposite side of Higher Lane from the application site, as well as being in a raised position to the site, and as such there would be no material adverse residential amenity impacts in terms of overlooking, overbearance or overshadowing impacts on these residents.

In regards to noise and disturbance the development is likely to have an increased impact relative to existing circumstances. Whilst the site is not technically contained within the urban area it does lie on its periphery, and is bordered on three side by the urban boundary. The nature of the residential development is considered to be in keeping with the predominantly residential nature of the surrounding area. It is therefore not considered that the nature of the proposed residential development would result in a significant level of noise and disturbance, compared to existing circumstances.

The layout of the proposed development ensures that all separation distances accord to the separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have at least a 10m separation where first floor window overlook neighbouring private amenity space. In regard to the garden spaces available to future occupants it is noted that this varies significantly between properties but is relative to the scale of the dwelling proposed and is acceptable in that regard.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and accords with the provisions of Policy PS2 of LDP and the SPG Places to Live: Residential Design Guide.

### **Transportation and Highway Safety**

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report. A Transport Statement was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows with some minor works being required including, but not limited to, footway provision along the site frontage, traffic calming, pedestrian crossing, footways connections with the northern section of the highway and PRoW diversion works. In addition further enhancements include a new crossing location across the existing junction of Cambridge Road with Higher Lane and improvements at the Worcester Drive and Cambridge Road bus stop facilities.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development can be accommodated within the existing road network.

The layout of the new development shows that the main internal road has a footway either side with a 5.5m carriageway which would allow for two way flows and safe pedestrian passage.

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A swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter / turn and leave the site in a forward gear. The new area of highway and footway to Higher Lane for the creation of the new access will be constructed to adoptable standards.

Parking provision within the site complies with the Council's parking standards.

In regard to the existing neighbouring property it is considered that the proposals demonstrate that there will be no conflict between the existing access and the development. The vegetation between the site and the neighbouring access will be removed to allow sufficient visibility.

As such, no highway objections are raised subject to the imposition of appropriate planning conditions and financial contribution in order to deliver crossing improvements at Worcester Drive and bus travel infrastructure, and the application is considered to be acceptable in this regard and accords with Policies T1, T2, T5 and T6 of the LDP and the SPG - Parking Standards.

### **Trees**

The Council's Tree Officer has raised no objection to the application as detailed in the Tree Officer comments set out earlier in this report.

None of the trees on the site are presently protected by a Tree Preservation Order or conservation area status. It is noted that the protection area of a TPO tree located at Channel View does cross over to Higher Lane which forms part of the access route and red line of the site. However this tree will not be impacted by the proposals. The majority of existing trees on site are to be retained. The main risks to trees is from uncontrolled construction traffic, storage/delivery of materials/soil and poor routing of services. A suitably worded condition can ensure any of these problems do not occur.

A number of new trees are proposed to be planted throughout the site, including the Northern boundary, central informal greenspace/play area and South Western corner. A landscaping management plan will be required by condition to include management and maintenance responsibilities of the trees and hedgerows. The condition will ensure that the trees and hedges are kept to an acceptable standard and any trees that die are replaced. Furthermore the trees will be protected by Tree Preservation Orders to ensure that they are not removed. Details of tree pits will also be required by condition in the interests of protecting trees planted in paved areas and preventing root damage to the street.

As such, no arboricultural objections are raised and the application is considered to be acceptable in this regard, and accords with the provision of Policy ER11 of the LDP and the SPG - The Protection of Trees on Development Sites.

### **Ecology**

The Council's Planning Ecologist and NRW have provided comments and suggested conditions for the application as detailed in the observations section of this report.



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To the Northern Boundary sections of the existing hedge are to be removed in accordance with the creation of the site access with other sections to be 'translocated'. The submitted tree survey states that the existing hedge is a mix of hawthorn, goat willow and hazel in a fair to poor condition. The assessment further states that the hedge is formed of /i scrubby specimens forming gappy hedgerow. In places no woody vegetation present within hedge line. Specimens of Goat Willow are at risk of failure.. The report further recommends that the goat willow is coppiced and the remaining hedge is monitored for safety with the condition given as Category C and therefore lacking in material conservation or other cultural value. The amendments to the hedgerow can be considered acceptable subject to a condition requiring a Hedgerow Management Plan to be submitted to and agreed in writing with the Authority.

With regard to badgers, a survey of the site indicates that there was evidence of activity to the Eastern and Southern boundaries of the application site. The report concluded that there was evidence of irregular badger activity on the eastern and southern boundaries of the application site re: outlier setts. In addition, pathways and latrines were recorded in the south and east of the site, with activity concentrated in fields and hedgerows. The main sett is possibly located 200m east/SE of the application site on scrub/woodland. The applicant is required to obtain an NRW licence prior to work commencing onsite and a copy of the licence shall be submitted to the Local Planning Authority (LPA). There is no objection to the proposal in this regard subject to the obtaining of a licence and pre-clearance checks for protected species is sufficiently covered in separate legislation, which will be referenced by an informative.

With regard to reptiles, a condition will be added requiring a pre-commencement walk-over of the site to check for reptiles. Should any reptiles be found, then the applicant is required to submit a mitigation strategy to the Local Planning Authority order to minimise the impacts of the scheme on any reptiles

With regard to hedgehogs and other mammals, the addition of hedgehog access holes shown in the External Works layout plan, regarding the close board fencing and the stone screen wall is noted and very welcomed. Adherence to these plans will be secured by the plans condition.

With regard to potential light impacts in relation to ecology, a condition will be added requiring a sensitive lighting strategy relating to both the construction and operational phases of the development to be submitted to the Local Planning Authority for its consideration. The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance

A scheme of Ecological Enhancement Measures in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site will be required via a condition.

Conditions will also be added requiring a Construction Environmental Management Plan (CEMP), as requested by NRW and the Planning Ecologist in order to prevent harm to the Langland Bay (Rotherslade) SSSI. NRW were made aware of concerns that the proposed discharge of water (into an existing watercourse to the south-west of the site) could impact upon the SSSI, as the water from this watercourse outflows onto the cliff above Lambswell cove.

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NRW make reference to the fact that this existing watercourse / drain already carries surface water drainage from Beaufort Avenue and there are already sections of the geological deposits, which have been eroded, within the boundary of the SSSI. NRW make reference to a certain level of erosion not being detrimental or damaging to the features of the site and they are satisfied there is no adverse impact. However, additional flows could impact upon the SSSI and they have therefore assessed the drainage scheme provided. Although the document doesn't make reference to the SSSI which is outside the red line site boundary NRW have concluded on the basis of their findings that the finished development will maintain the feature of interest in good condition and will not cause damage or change and have no objection in that respect. The suggested condition will deal with prevention of pollution to the controlled waters and the wider environment.

The planning ecologist has requested updated ecological surveys as best practice indicates that surveys are only valid for two years. Notwithstanding this, due to the Covid 19 outbreak NRW have indicated that, in relation to applications for protected species licences, as it may not be possible to update surveys this season, NRW has extended the normal two year period and accept surveys from the last three years. In light of NRW's approach, and due to the exceptional circumstances and restrictions imposed by Covid 19, it is not considered necessary or reasonable for the ecological surveys to be updated prior to determination in this instance as the surveys are just over two years old. The surveys submitted are therefore considered fit for purpose.

The Authority's Ecologist had also indicated suggested species to be included within the proposed landscaping strategy. However the landscaping strategy was designed with full consultation with the Authority's Landscaping Officer. The strategy has been amended and has evolved over time in line with the Landscaping Officer's comments and suggested species composition. On that basis given the agreement of the Authority's Landscaping Officer, further revision of the landscaping strategy is not required.

It is considered that no protected species (including badgers, dormice, bats, or reptiles) would be detrimentally affected by the proposed development subject to the obtainment of required licencing outside of the planning application process and appropriate planning conditions, and as such, the application is considered to be acceptable in this regard and accords with the provisions of Policies ER8 and ER9 of the LDP.

### **Affordable Housing**

To comply with the recently adopted LDP Policy H5, the majority of the dwellings (51% minimum) on the site are required to be for affordable housing. The proposed ratio of affordable / local needs market dwellings is 16 (51.6%) affordable dwellings to 15 (48.4%) local need market dwellings.

The Council's local occupancy criteria will be applied to these affordable homes and delivery will be formally tied to an appropriate S106 legal agreement.

The Council's Housing Enabling Officer has confirmed that the details of the affordable housing provided on site is acceptable in terms of its tenure and dispersal across the site, and as such the application is considered to be acceptable in this regard and accords with the provisions of Policies H2 and H5 of the LDP.

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## **Education**

The projected pupil numbers generated by the proposed development of 31 dwellings (having regard to the calculations contained within the Planning Obligations SPG) are as follows:

Primary: 9 (8 English and 1 Welsh Medium)

Secondary: 7 (6 English and 1 Welsh Medium)

With regard to primary school places, there is surplus capacity in Oystermouth Primary (English Medium) and Llwynderw Primary (Welsh Medium) and as such, no developer contribution is required for primary education.

With regard to secondary school places, there is surplus capacity in Bishop Gore Comprehensive (English Medium) and Gwyr (Welsh Medium) and as such, no developer contribution is required for secondary education.

The requested education contribution therefore cannot be justified and is not necessary to make the development acceptable in planning terms. As such, the application is considered to be acceptable in this regard and accords with the provisions of Policy SI3 of the LDP.

## **Drainage**

There are no objections raised to the application by statutory consultees on drainage grounds providing conditions are used relating to the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), the site shall not discharge at any rate greater than 2.7l/s, and any works to the watercourse may require the Authority's prior written consent.

The proposed drainage scheme was developed through discussions with the Authority's Drainage Officer. The proposals went through a number of iterations following concerns raised and developed to ensure that the development had an acceptable impact in regard to runoff from the site. The Authority's Drainage Officer has confirmed that the proposal is acceptable and would not have any unacceptable impacts. The development is also required to be fully compliant with the SUDS regulation through a separate consent.

The application is therefore considered to be acceptable in this regard and accords with policies EU4 and RP4 of the LDP.

## **Public Right of Way**

The Authority's Countryside Access Team raised concerns as part of the application process that the proposed drainage strategy would exacerbate existing coastal erosion and negatively impact the coastal path. It is noted that the Authority Drainage Engineer has raised no objection to the proposed drainage scheme and the proposals demonstrate that the flow rate will remain the same as it is currently. However it is considered that since the flow rate will be channelled into one area to discharge from the site the impact will be different to that of the existing greenfield and therefore have the potential to exacerbate the coastal erosion without the development and thus negatively impact the coastal path.

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Discussions have taken place to consider the impacts and the potential for a scheme to be developed to offset the potential for harm from the additional drainage which would also ultimately deal with a long standing coastal erosion problem in the wider area. Costings have been considered and it has been established that a contribution of £30,350 from the developer would be justified and necessary in this instance in order to prevent additional levels of coastal erosion as a result of the development. Such a contribution would be used to fund a scheme of coastal works to prevent erosion that may arise as a result of the development.

In terms of other considerations the proposed diversion of the existing right of way along the proposed footpath through the development is considered acceptable and will ensure there is continued access for the public to the coastal path.

The Countryside Access Team have requested a financial contribution of £25,000 towards improvement works to the costal path, designated MU2. It is considered that this is a justified and a reasonable contribution request, as the use of the costal path is likely to be increased from the residents of the proposed development. Furthermore the H5.6 of the LDP states:

*connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6, MU10*

The LDP has therefore identified that the development of this site should lead to the improvement of the adjacent footpaths.

### **Land Instability**

During the course of the application concern was raised regarding the existence of sink holes at the site. The applicant's agent acknowledges the concerns and site investigations were undertaken. The report identified high risk areas within the site and recommended that investigative work was undertaken to establish the nature of the foundations required, as well as additional investigation to the inaccessible southwest area of the site.

Any consent will be conditioned requiring that further appropriate site investigations be carried out and a report of the findings together with (where necessary) appropriate mitigation and remediation works which take into account any abnormal site conditions. On this basis the Authority is satisfied that the development can be undertaken safely.

### **Archaeology**

The site could potentially contain archaeological remains and on this basis the Glamorgan Gwent Archaeological Trust (GGAT) request an evaluation of the site. A survey of the land was undertaken by a qualified professional and discovered only limited features including possible drainage features, which could not be dated, and a small quantity of late post-medieval and modern pottery from topsoil deposits, but was otherwise largely negative. On this basis GGAT were satisfied that the development poses little risk from an archaeological perspective, and raised no objections to the proposal.

It is therefore considered that the development would have an acceptable impact in regard to any archaeological features of the site.

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### Planning Obligations

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

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

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

### Affordable Housing

It is clear that in order to policy compliant the scheme needs to deliver a minimum of 51% Affordable Housing for Local Needs and a maximum of 49% enabling Local Needs Market Housing providing appropriate dwelling sizes. On this basis it is necessary to ensure the delivery of 16 affordable housing units across the site (51.6%) comprising of 8 social rent units and 8 shared home ownership which will be DQR compliant.

### Maintenance and Management plans

It is important as part of the development to ensure that all retained trees, new trees and planting, existing hedgerows, LAPS, open spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) will have defined maintenance and management going forward. To that effect a clause shall be provided within the Section 106 to require submission of such a plan prior to the occupation of the 1st residential unit.

### Highways

As referred to in the observations from the Highway Authority there will be impacts arising as a result of the development upon the surrounding highway network. A contribution of £20,400 has been set out in order to deliver crossing improvements at Worcester Drive and bus travel infrastructure. The contribution shall be paid prior to the occupation of the 1st residential unit.

### Coast Path works

The application site with the addition of housing will result in pressure upon the existing coastal path network over and above that which exists currently. Given this it is considered reasonable and necessary to provide for a financial contribution of £25,000 to commit to deliver improvement works on the coast path MU2.

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### Coastal Erosion

As referred to above during the course of the application it was identified that there is existing coastal erosion taking place outside but near to the application site. A contribution of £30,350 is required to deliver mitigation and maintenance against additional coastal erosion of the coastal path, that would be exacerbated by the proposed development. The contribution shall be paid prior to the occupation of the 1st residential unit.

### **Response to Consultations**

Issues relating to LDP /UDP designation, national policy, the impact on the Gower AONB, housing need, sewerage, surface water and drainage, traffic, road and pedestrian safety, parking, access for emergency vehicles, school places, design, tenure and layout of the proposed development, agricultural fields, open space, hedgerows, protected species and habitats, historical environment, rural exception criteria, density, affordable housing, trees, visual impacts, flooding, street lighting, right of way, land instability, neighbouring amenity and visual amenity have been addressed above.

The objections in regard to the potential capacity issues at local GP surveys was considered during the course of the LDP process with the Local Health Board being a consultee. The site has been allocated for development within the LDP and it is not considered therefore that there would be any unacceptable impact in this regard. In regard to a negative impact on tourism it is not considered that the development on this relatively small agricultural field would significantly impact local tourism. The right of way running through the site will be amended but retained, whilst approval of the proposal will result in a S106 financial contribution to the coastal path. The contribution will contribute to the ongoing improvement works to the path and arguably benefit tourism within the area.

In terms of concerns raised over the advertising of the application both before and during Covid19 lockdown, the Authority followed the statutory requirements, with notification letters sent to neighbours, site notices places within the vicinity of the site and advertisement in the local press. The Authority conducted 4 separate consultations within the local area, and whilst objections have not been responded to directly, they have been considered in this report before coming to a reasoned recommendation. It is also considered that the submitted PAC was sufficiently detailed and therefore valid.

In regard to the submitted LVIA, it is considered that this document was sufficient and its conclusions form an accurate reflection of the situation. Whilst NRW did raise some concerns over the methodology of the LVIA, the Authority's Landscaping Officer concluded that it was acceptable and this position was subsequently accepted by NRW, who raised no objection to the application subject to condition.

The proposal is compliant with the requirements of the Human Rights Act.

It is noted that some site clearance did occur prior to the submission of the application, however the land is designated as agricultural and the works entailed did not require planning permission. The site has been allocated for development in the LDP and it is not considered that there would be any unacceptable impacts on air quality.

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An objection has been raised to the arboricultural report including trees outside of the application site. The report has been assessed by the Council's Tree Officer and agreed the details contained within. The objection raises concerns that trees on neighbouring land will be removed, however this application does not grant consent for trees outside of the site and this is a civil matter between two parties.

With regard to the other issues contained within the list of objection points including damage during construction and precedent, these issues are not relevant material planning considerations in this instance and so do not form a reason for refusal of the application.

In support of the objections a report on the proposals from 'Lichfields' was undertaken and submitted. In regard to the Screening Opinion, it is accepted that this was not completed within normal timescale and an extension was not agreed with the applicant. However this had no bearing on the conclusions made or any impact upon the planning proposals before the LPA. It is considered that the conclusions reached in the Screening Opinion are accurate for the nature and scale of this development in that the development is not one that raises significant effects that would require the submission of an Environmental Impact Assessment. As stated the critique of the design and layout, including visual impact have been addressed in the assessment and consultee responses above.

A number of objections suggest corruption of Council Officers and that the application is using 'loopholes' to be approved. The application has been assessed on the basis of the details submitted against relevant and local policies and guidance. The submitted details and consultee responses are a matter of public record.

## **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered on balance of all material planning considerations that the scheme is an acceptable form of development that will deliver a high proportion of affordable housing and local needs housing to the area. In line with the principle strategy for housing set out in the Local Development Plan and providing a good level of green infrastructure on site the development will form an acceptable relationship with the surrounding land context and will not harm the character and appearance of the surrounding Gower AONB. Subject to a range of planning conditions as well as Section 106 Agreement to deal with specific planning impacts arising as a result of the development it has been concluded that the proposed development is acceptable and accords with the provisions of Policies: PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU4, RP4 and RP10 of the Swansea Local Development Plan 2010-2025 (LDP), and the following Supplementary Planning Guidance Notes (SPG) - Places to Live - Residential Design Guide, Parking Standards, Planning Obligations, Planning for Community Safety, The Protection of Trees on Development Sites, Gower AONB Design Guide, and Lighting Scheme Guidance for Gower AONB.

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

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

### Recommendation

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

- **16 Affordable housing units (51.6%) on the site comprising 8 social rent units (50%) DQR compliant, and 8 shared home ownership (50%) DQR compliant. The specification of the AH units shall be of equivalent to those used in the local needs open market units. The AH shall be dispersed across the site in accordance with the layout shown on the approved plan: 105 REV M Affordable Housing layout received on 21st May 2020.**
- **Maintenance and Management plans for the retained trees, new trees and planting, existing hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) to be submitted and implemented prior to the occupation of the 1st residential unit (unless these areas are to be adopted/maintained by the Council).**
- **Highways: A contribution of £20,400 to deliver crossing improvements at Worcester Drive and bus travel infrastructure. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- **Countryside: A contribution of £25,000 to deliver improvement works on the coast path MU2. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- **Coastal Erosion: A contribution of £30,350 to deliver mitigation and maintenance against coastal erosion of the coastal path, exacerbated by the proposed development. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- **Section 106 Management and Monitoring Fee: Costs incurred against the management of the obligations based on 2% of the value of the obligations = £1,515**

If the Section 106 Planning Obligation is not completed within 6 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, CV1, T1, T2, T5, T6, T7, EU4, RP4 and RP10 of the Adopted Swansea Local Development Plan (2010-2025).



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### 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:

112 proposed boundary images, 101 C site location plan, 107 F street scenes, 108 C site section, 109 boundary sections, 110 A route of proposed new footpath, 200 C plots 1-4 floor plans, 201 C plots 1-4 elevations, 202 D plots 5-6 floor plans, 203 E plots 5-6 elevations, 204 E plots 7-8 plans, 205 E plots 7-8 elevations, 206 C plots 9, 10, 17, 18, 23 & 24 plans, 208 E plots 9, 10, 17, 18, 23 & 24 elevations, 209 F plots 11 & 16 plans, 210 F plots 11 & 16 elevations, 211 F plots 12 & 15 plans, 212 E plots 12 & 15 elevations, 213 D plot 25 plans, 214 E plot 25 elevations, 215 C plots 19-22 plans, 216 C plots 19-22 elevations, 217 C plots 26-27 plans, 219 C plots 28-31 plans, 220 A carports (single) plans and elevations, 222 B carports (twin with rear store) plans and elevations, 223 B foul pumping station enclosure plans and elevations, 18051-SK200 E refuse tracking SSD visibility splay, 302 PL03 public open space layout, extended phase 1 habitat and bat survey received 23rd January 2020.

Natural resources material plan, tree protection plan, A01 H proposed site access and associated highway improvements off Higher Lane, A02 A proposed access - visibility splay Southern turning head and plot 22-23 manoeuvres, B01 D proposed site access swept path analysis, B02 D proposed site access swept path analysis, B03 D proposed turning head swept path analysis, B04 B proposed site swept path analysis fire tender, badger survey received 6th April 2020.

100 T proposed site layout, 102 R external works layout, 103 L materials layout, 104 M storey heights layout, 105 M affordable layout, 106 L parking arrangement layout, 111 E management company layout, 101 J levels plan, 102 K drainage plan, interim travel plan, transport statement, 301 P15 soft landscaping plan, arboricultural impact assessment, arboricultural impact assessment and arboricultural method statement, D100 G drainage strategy received 21st May 2020.

218 D plots 26-27 elevations , 219 D plots 28-31 elevations received on 22nd May 2020.

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

3. The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a person with a local connection, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price and at the end of the 16 week period a person with a local connection has not been identified as a purchaser.

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This process must be repeated for every successor in title (repeat sale) to each individual dwelling.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

1. The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or
2. The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
3. The person has been continuously resident in the Locality defined for three years immediately prior to the occupation of the dwelling and is in need of another dwelling resulting from changes to their household as detailed in informative 1 below:
  - The 'Locality' is defined as the Council's administrative wards of Bishopston, Fairwood, Gower, Mayals, Newton, Oystermouth, Pennard, Penclawdd and West Cross

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) meet an identified local social or economic need.

4. The dwelling-houses identified as "local needs housing" shall only be occupied by a person as his or her Only or Principal Home. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition, the following definition applies:

An 'Only or Principal Home' is a dwelling house that is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or for short term let accommodation.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) is used as the occupier(s) only or principal home.

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5. 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.
6. The development shall be implemented in full compliance with the submitted arboricultural impact assessment, arboricultural impact assessment and arboricultural method statement received 21st May 2020.  
Reason: In the interests of safeguarding trees.
7. No development shall commence until full engineering, street lighting and construction details of the internal road layout and footways have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roads and footways shall be constructed in accordance with the approved details.  
Reason: To allow proper consideration of the construction details in the interests of highway and pedestrian safety.
8. 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 the development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.  
Reason: To ensure that the development is provided with satisfactorily maintained and managed streets.
9. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  1. The parking of vehicles of site operatives and visitors.
  2. Loading and unloading of plant and materials.
  3. Storage of plant and materials used in constructing the development.
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
  5. Wheel washing facilities.
  6. Measures to control the emission of dust and dirt during demolition and construction and
  7. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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10. No dwelling shall be occupied until the access, turning area and parking works, that serve that dwelling, have been completed and made ready for use, these will be required to be provided in accordance with the City and County of Swansea parking standards and with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.  
Reason: In the interests of highway safety and general amenity.
11. Prior to any of the dwellings hereby approved being brought into beneficial use, the proposed footway along the site frontage to Higher Lane, at 2.0 metre width, shall be extended to and connected to the existing footway to the west of the site, and crossing and connection made to the footway to the north of the site, in accordance with details to be submitted to and approved in writing with the Local Planning Authority.  
Reason: In the interests of highway safety.
12. Prior to each dwelling being brought into use, the proposed driveways and garages that serve the said dwelling shall be completed in accordance with the approved plans and transport statement.  
Reason: In the interests of highway safety and general amenity.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (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.
14. 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 and for 5 years of monitoring. 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.
15. No development shall commence until a Stage 1 Road Safety Audit of the access and internal layout, to include amelioration measures where necessary, has been submitted to and approved in writing by the Local Planning Authority. The approved amelioration measures shall be implemented prior to the first beneficial occupation of any dwelling deriving access from that part of the road/ street.  
Reason: To ensure the access and internal road layout is safe for future users.
16. All boundary treatments forward of the principle building line and/ or immediately adjacent to a parking area, with the exception of those on the approved plans, space shall be kept at a maximum height of 1m.  
Reason: In the interests of highway safety to ensure adequate visibility splays are provided for all plots and the interests of visual amenity to ensure the landscaping is maintained across the site.

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17. Prior to the beneficial occupation of any dwelling that has access from the Public Right of Way MU5, all works to the part of the MU5 that relates to said dwelling shall be completed, with all works to MU5 completed prior to the beneficial occupation of the final dwelling to be completed that is served by said Right of Way.  
Reason: In the interests of highway safety and general amenity.
18. No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.  
Reason: To ensure the protection of the retained trees during construction works.
19. A landscape management plan for the whole development to include management responsibilities and maintenance schedules for all landscaped / public realm areas including overhanging trees and hedgerow species from adjacent land shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall identify and confirm how those retained existing or planted trees and trees within shared hedgerows are to be future managed in perpetuity, including their replacement as and when necessary. The landscape management plan shall be carried out as approved and the planting retained and managed in accordance with the plan thereafter in perpetuity and any replacement planting shall be approved in writing by the Local Planning Authority.  
Reason: To ensure that the landscaped areas are adequately maintained and trees and shrubs and those trees within hedgerows under such management retained in the interests of visual amenity.
20. Details of tree pits and protection between tree roots and structures are to be provided for written approval by the Local Planning Authority prior to the commencement of the development to show adequate root anchorage, capacity for water retention, the provision of drainage, for irrigation and ventilation and construction details to demonstrate the support of both vehicular and pedestrian paving and vehicular traffic and all overlying paving details, the details should clearly identify how tree roots can grow out to the surrounding environment without disruption to paving and services and that the trees can survive to maturity. The above to include confirmation that all paving, structures and building foundations are to be designed and built to take account of ground conditions, proximity to structures and the growth of adjacent tree planting shown on the approved plans to maturity.  
Reason: To ensure that the proposed tree planting in hard paved areas has been suitably detailed to ensure the long term viability of trees to maturity in the interest of visual amenity and in the Creation of Place.
21. Any trees, shrubs or plant material planted in properties not otherwise managed by the Landscape management plan, which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority.

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Within this period all trees described in private ownership that have been planted as part of the approved landscape plan in mitigation of loss of other trees and or in the creation of Place will subsequently be protected by Tree Preservation Order(s).

Reason To ensure the protection of those trees, shrubs and plants planted as part of the approved landscape plan in perpetuity, in the interests of visual amenity and in the creation of Place.

22. If during the course of development, any unexpected land instability issues are found which were not identified in the submitted site investigation, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be implemented as part of the proposed development.  
Reason: To ensure that any unexpected abnormal ground conditions are identified, and addressed (if required).
23. 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.
24. Details/samples of all external materials (including a composite materials sample board), and details of the locations of any external meter boxes to be erected to the walls of the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority before development works commence on site. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity.
25. 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 approved plans.  
Reason: In the interests of visual amenity and the amenities of future and neighbouring occupiers.
26. No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The construction phase of the development shall be carried out in accordance with the details/measures contained within the approved Site Waste Management Plan.  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
27. Before the development is commenced, a sensitive lighting strategy (relating to both the construction and operational phases of the development) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall outline the measures to be taken to avoid the impacts of lighting (both during the construction phase and the operational phase) on bats, other nocturnal species and the Gower AONB.

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The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance.

The measures contained within the approved lighting strategy shall be implemented at all times thereafter and any external lighting serving the proposed development shall not conflict with the mitigation measures contained within the lighting strategy at any times.

Reason: In the interest of bats, other nocturnal species and the Gower AONB.

28. Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.

29. 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 CEMP 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.
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

The following site-specific details / measures, in relation the SSSI, should also be provided as part of the CEMP:

- How sediment will be prevented from being introduced into the drain/watercourse and onwards into the SSSI.
- How the volume / flow of water from the site, and through the drain into the SSSI will be controlled during the construction phase. As uncontrolled releases / increases in flow could impact upon the site, as could a reduced / lesser flow.

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- Confirmation that there will be no upgrading of the drain outside of the development area.

Furthermore, 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.

30. No earlier than 3 months prior to the commencement of any pre-construction/enabling works at the site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine whether there are any reptiles present at the site at that time. The results of the site walkover shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the commencement of any pre-construction/enabling works. Should any reptiles be found on the site, then the applicant shall submit a reptile mitigation strategy to be approved in writing by the Local Planning Authority. The recommendations contained within the approved reptile mitigation strategy shall be implemented thereafter.

Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on any reptiles.

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

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

32. The development shall not discharge to the watercourse network at any rate greater than 2.7l/s as detailed in the Drainage Strategy reference D100 G received 21st May 2020.

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

33. Prior to the completion of construction full details of the public open space area including play equipment shall be submitted to and agreed in writing with the Local Planning Authority. The public open space shall be completed in full accordance with the agreed details prior to the beneficial occupation of the final dwelling to be completed.

Reason: To ensure that the greenspace area is completed to a satisfactory standard and in the interests of visual amenity.

34. House Type H shall be constructed in accordance with the 'Lifetimes Homes' standards as per the Design and Access Statement REV D received on 6th April and plan 211 REV F Plots 12 and 15 Floor Plans received 23rd January 2020.

Reason: To ensure that the dwellings are adapted for all potential occupants needs and meet the identified house type need within the local area.



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### Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, T1, T2, T5, T6, EU4, RP4 and RP10

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

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

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

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest 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.

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

5 Slow worm, adder and common lizard are likely to be recorded on the site, and are known from within 500m. Therefore, please be aware that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792634 960).

Pre-construction checks are required. Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).

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Item 1 (Cont'd)

Application Number:

2018/2634/FUL

To mitigate for loss of reptile habitats, new habitats can be created within buffer strips. These linear features can provide corridors to link other patches of reptile habitat together. Management of field corners could also provide valuable reptile habitat. Reptiles hibernate over winter and are active from February/March to October. During the active period they require vegetation cover so, for management of grassland and scrub, it is best to extend the 'non-cutting season' to coincide with this time.

6. Significant change to drainage requirements will impact new developments from January 2019. From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval
7. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
8. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
9. Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in the Conservation of Habitats and Species Regulations 2010 (this legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal).
10. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape.

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Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

- 11 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 12 Where development is taking place in the general vicinity of an active sett and there is a risk of accidental damage or disturbance occurring, it is good practice to take the appropriate measures to protect the sett during the construction phase and, in some cases, thereafter. The boundary of a protection zone should be at least 30 metres from the nearest sett entrance. Before any work starts on site, the protection zone should be clearly demarcated by using coloured tape or some other form of obvious visible marking. Scrub and vegetation should not be cleared from the sett area. Furthermore, the creation of a 'buffer zone' of undeveloped land between the nearest gardens and the periphery of the protection zone will further enhance the security afforded to the badgers.
- 13 Prior to construction commencing an NRW licence is required to cover proposed construction work for the access road leading to the southern part of the site.
- 14 All access works would be subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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Item 2

Application Number:

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Ward:

Castle - Bay Area

Location:

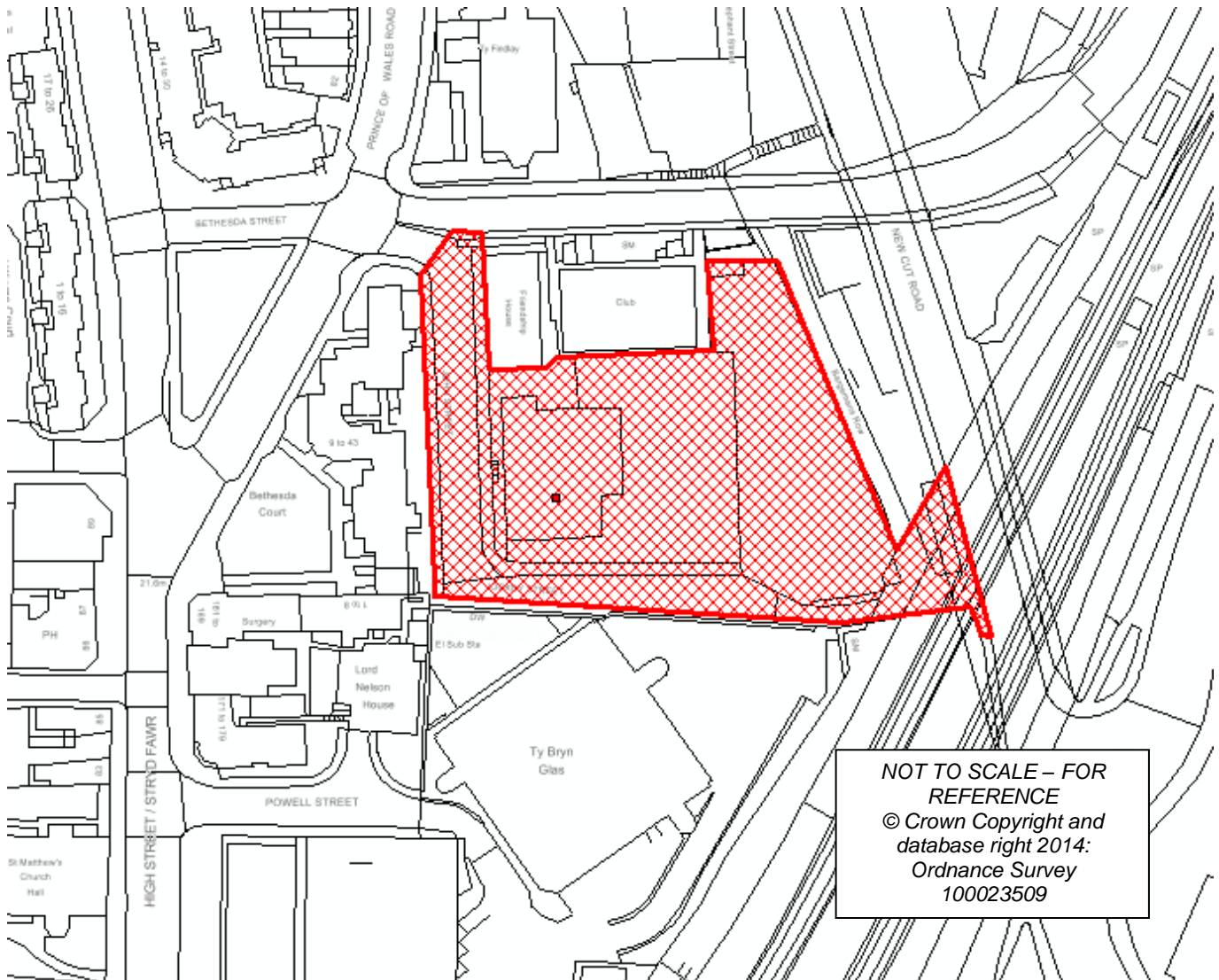
Land North Of Jockey Street, Swansea, SA1 1NS

Proposal:

Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works

Applicant:

Mr Garip Demirci



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Application Number:

2020/0097/FUL

### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2017/2606/FUL	Demolition of existing building and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces)	REF	13.08.2018
2020/0097/FUL	Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works	PDE	
2015/2292	Pre Application - high rise student accommodation	MIXPR E	22.12.2016
2015/0624	Pre Application - Demolition of existing building and replacement with two buildings of student accommodation and ancillary space rising from 3 storeys adjacent to Friendship House up to a maximum 7 storeys and incorporating 200+ student rooms with minimum city centre parking including disabled and delivery bays.	WDN	06.04.2016

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Application Number:

2020/0097/FUL

2005/0367

New pedestrian ramped access to entrance and exit doors (Council Development Regulation 3)

APP

07.04.2005

### Procedural

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

### Introduction

The planning application is for a purpose built student accommodation (PBSA) development on land at Jockey Street, Swansea. The development would involve the construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works. The new proposed building will range from 4 storeys to 12 storeys (above ground level) and will include student amenities and a commercial unit of 67sqm. with the bedrooms, consisting of a combination of studios and cluster flats, comprising 4, 5, 6, 7 and 8 bedrooms.

### Access Arrangement and Parking

Access to the 18 car parking bays and service area will be from John Street. This will create a largely car-free development. In order to ensure that students do not utilise the parking places without prior approval, the applicants confirm that the tenancy agreement will prevent students bringing a car to the site, or parking on the site itself.

### Landscaping

The site area will be landscaped with the building itself enclosed with a secure fence line.

### Application Site and Surroundings

The application site covers an area of 0.3 hectares and is positioned directly adjacent to the Swansea Railway line and the University of Wales Trinity Saint David Business Campus - Ty Bryn Glas. To the north there are two buildings which bound the site, namely Friendship House and Demarco's Dance School. The Landore park and ride express bus route runs along the northern boundary, whilst the eastern boundary abuts the overgrown area of Bargeman's Row. At the eastern end of Jockey Street there is a short tunnel which runs underneath the railway line and provides a pedestrian access down onto New Cut Road. In close proximity there is the former Bethesda Chapel - 'Ty Findlay' (a Listed Building) and the Palace Theatre (also listed) is located to the north west.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along High Street and there are good cycle linkages in the vicinity of the site, with a signed cycle route running from Mariner Street Car Park, along Orchard Street and to the city centre.

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There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

High Street remains a key route from the Railway Station towards the retail core of the central core. The Railway Station has had recent investment and enhancement providing a significant point of arrival for visitors and workers arriving by train. Improvements in the built fabric of the area have been stimulated by the Urban Village scheme frontage to High Street, and new infill developments on derelict sites below along The Strand. This has begun to redefine the character the area based on mixed uses including the arts and creative industries, with live/work opportunities for start-up and artisan businesses. Some ground floor space has also been let to new retail and commercial businesses, but more is required to encourage appropriate upper floor residential uses which to generate a new community as well as ground floor commercial occupation. The Urban Quarter development in High Street will further contribute to the regeneration of the area, and planning permissions have been granted for two substantial PBSA developments in close vicinity, namely Mariner Street (Ref:2016/0556) and the Oldway Centre (Ref: 2016/1320), the latter is now completed and the former well under construction.

### **Relevant planning history**

Planning Application under 2017/2606/FUL for the demolition of the former building on the site and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces) was refused 13 August, 2018 (against officer recommendation) for the following reasons:

1. The proposed development by reason of its design including height, scale and massing on a constrained development site will impact to an unacceptable degree upon the character and appearance of the area and be contrary to the requirements of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted 2008).
2. The proposed development will provide 4 car parking spaces to serve 414 students and ground floor uses. The level of proposed parking is considered to be inadequate to serve the Student Accommodation which as a result will place pressure on the surrounding streets, result in indiscriminate parking arising and result in harm to highway safety in the area contrary to the requirements of policies EV1 and AS6 of the City and County of Swansea Unitary Development Plan and Supplementary Planning Guidance 'Parking Standards' (Adopted March 2012).

The decision was appealed and the appeal was dismissed on 18 Feb. 2019 when the appointed Planning Inspector concluded that the proposal would be harmful to the character and appearance of the area and would result in an unacceptable risk to highway safety as a result of the lack of parking provision. It would not be in accord with policies HC11, EV1, EV2 and AS6 of the UDP, it's associated Tall Buildings and Parking Standards SPGs or conform with the primary objectives of PPW when read as a whole. The Appeal Decision forms a material consideration in the determination of this new proposal.

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### **Response to Consultations**

The application was advertised on site and in the local press. One letter of objection has been received from DeMarco's Dance studio, Bethesda St making the following points:

- The development will have an enormous impact on our daily life and work.
- Firstly, the issue of the high rise building of 12 stories. This building will most definitely block our sunlight and create a very dark environment in an already congested area.
- We have expressed concerns with the issue of building works, piling the ground etc, so close to our premises.
- As the plans show below ground level parking, we have concerns of the retention of our boundary wall being supported. This is extremely concerning for us.
- Secondly, the issue of parking. The whole surrounding area is already extremely congested with parking. There are three local businesses who use the surrounding streets for customer parking. That does not include the students who use the business school and local residents.
- The removal of spaces along John street and Jockey Street.
- It is obvious that students will bring cars with them. There are examples of that all over Swansea. It will be almost impossible to police. The lack of parking is already a huge problem in this area.
- Lastly there is the issue of right of way across the proposed development. This right of way has been used for over 24 years and is used for disabled and pram access etc.

### **PAC**

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

### **Glamorgan Gwent Archaeological Trust -**

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

You will recall from our letters of 19th January 2018 and 1st August 2018 in response to an earlier application at the site (Pl. App. No: 2017/2606/FUL, Our ref: SWA1059/JBHD), that the accompanying documents include an archaeological desk based assessment, undertaken by Archaeology Wales (ref: 1551, dated February 2017). This work meets the current professional standard and allows us to make an informed recommendation regarding mitigation.

The application area is located in an area of former post-medieval housing, to the west of the 19th century main railway line, and to the east of High Street, where the road line is Medieval in origin. The area is outside the northern boundary of the Medieval town, and the housing developed as a result of the industrial growth of Swansea from the 18th century onwards. The route of a Roman road potentially passes close to the site to ford the River Tawe 0.22km east of the site.



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The likelihood of encountering archaeological remains is examined in the assessment. The potential for Roman, Medieval, and Post-medieval remains of significance is considered low, and medium for remains of the later housing. In order to mitigate this, an archaeological watching brief is considered appropriate, set within a written scheme to ensure that the archaeological response is measured.

The current application's submitted documents does not change our understanding of the archaeological resource or our earlier response and we therefore again recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work, 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.

**CADW -**

There are no scheduled monuments or registered historic parks or gardens that would be affected by the proposed development. We therefore have no comment to make on the proposed development.

**Council's Drainage Engineer -**

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given under Schedule 3, Flood and Water Management Act 2010. The SAB has received an application under Schedule 3 of the Flood and Water Management Act 2010, reference 2020/0004/SFA.

**Dwr Cymru Welsh Water -**

Foul flows can be accommodated within the public sewerage system albeit that the site is crossed by a 12" combined sewer. In addition, a hydraulic modelling assessment on the potable water supply network would be required to ensure the site can be served with an adequate water supply.

Recommend conditions for a foul water drainage scheme and a potable water scheme to be submitted to and approved in writing by the local planning authority.

**Natural Resources Wales -**

European Protected Species

We welcome the submission of the document entitled; 'Proposed New Student Accommodation on land at Jockey Street, Swansea, SA1 2EU - Preliminary Ecological Appraisal (Version 3a - Update' - September 2017 and Updated August 2019, by Gould Ecology.

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We note that site visits were carried out on the 7 December 2017 and 8 August 2019. We are aware that a previous assessment of the building at the site confirmed that it was not being utilised by bats. The updated report states that the building has now been demolished and that there are currently no features with bat roost suitability, within the red-line site boundary.

Sections 7.13 and 7.14 of the updated Ecological Appraisal make a number of recommendations in relation to possible ecological enhancement of the site. We are supportive of these proposals and advise that you discuss and agree any such measures with your Authority's Planning Ecologist, who may have additional comments to make in relation to habitats and species which lie within their remit.

### Other Protected Species

We also note the submission of the document entitled; 'Land Adjacent to Jockey Street, Swansea: Stage 2 Ecology Report - Reptile Surveys', dated 22 October 2019, by Bay Ecology Limited. The report indicates that the refuges were set out on the 16 September 2019, and then checked over a total of seven visits between 23 September 2019 and 20 October 2019. No evidence of reptile or amphibian species were noted during any of the visits, although the visits carried out in October, would be considered to be at a sub-optimal time of year. Nevertheless, the grassland within the red-line boundary is in an urban area with poor connectivity and therefore could be considered to be rather isolated. Therefore, we have no further comments, although we would advise that you discuss the above survey with your Authority's Planning Ecologist, to determine if they are satisfied with the conclusions.

### Foul Water Disposal

We note that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and considered to be the most sustainable. We recommend that the applicant consults Dwr Cymru Welsh Water (DCWW) to obtain confirmation that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution and that they are satisfied with the new connection, which is proposed.

**Council's Planning Ecologist** - A Japanese Knotweed condition is required.

**Head of Environmental Management (Pollution Control)**- conditions are recommended in respect of the A3 ventilation; internal and external; building services noise; potential site contamination and piling.

### **Designing Out Crime Officer** -

The following observations are made, taking into consideration the location of this proposed development, and crime and anti-social behaviour in the area :-

(i). Perimeter security - The whole student accommodation site, except for the front of the property, should be protected by fencing/walls/railings and gates at least 2 metres high meeting Secured by Design (SBD) specifications and standards. They must be robust and designed so they are difficult to climb over in order to prevent unlawful persons getting up to the student accommodation.

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Gates giving access to the site must be the same height as the adjacent perimeter security. Any gates must have access control fitted except for gates that are for use in an emergency, e.g. a fire. I am happy for these gates not to have access control fitted. The devices fitted to open these gates, e.g. push bars, must be protected to prevent them from being opened by persons unlawfully.

It is important to prevent persons, other than residents, getting up to the sides and rear of the building and the windows of rooms/bedrooms occupied by the young people. For this reason any access to community facilities, e.g. to the café, must be via the front main entrance.

Lighting - The student accommodation site, especially public circulation areas, the vehicle parking bays, cycle stores and bin stores must be lit, during the hours of darkness.

Vehicle parking areas - Access into the vehicle parking area must be controlled by gates that meet the standard LPS 1175 SR 1 that have access control fitted, due to the closeness of this development to the city centre and the area the development is in. All vehicle parking bays must be overlooked by rooms in the accommodation.

Bicycle stores - Bicycle stores with individual stands for securing bicycles, must be secure. The stores must be lit when in use during the hours of darkness and must be protected by CCTV.

Landscaping - The planting of trees and shrubs will be supported. Planting must not impede the opportunity of natural surveillance and must avoid the creation of hiding places. All planting must be low level. Shrubs should have a mature growth height of 1 metre and trees should be bare stemmed to a height of 2 metres from the ground. Trees must not be positioned to act as climbing aids. They must not obscure any lighting or CCTV or be adjacent to the building or the perimeter security. Trees must not obscure doors and windows. If perimeter security is not installed, and it should be, the building other than entrances must be protected by defensible planting, e.g. thorny plants.

Bin storage - The bin stores must be secure areas and ideally sited away from the accommodation. If the stores are within the building they should be protected by doors that meet Secured by Design standards and that have access control fitted.

CCTV - CCTV must be installed on site. It must protect the entrances onto site, entrances into the student accommodation, public circulation areas, vehicle parking areas, and bike and bin stores. Consideration must be given to monitoring the CCTV by staff on site.

Advice is also given in respect of drainpipes; door and window security, control of access etc.

Management Plan - A scheme of work must be submitted for approval, in relation to the 24/7 management of the site by security staff, to ensure the safety and security of students at all times of the day and night.

Jockey Street Tunnel - South Wales Police are pleased, having read the proposals for this development, of the intention of the developer to upgrade the security on the Jockey Street Tunnel, by improving the lighting and CCTV coverage of this area. This work is badly needed to improve this area.

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Application Number:

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## Highway Authority

Background:

This application has been submitted following extensive previous planning activity on the site. The site was previously the subject of pre-planning and planning applications in addition to an appeal.

This consultation response is intended as an updated response, to take into account recent changes and findings, which should be read in conjunction with the original response on this scheme.

In terms of a brief summary:

2015/2292: Pre Application for 374 beds PBSA, the proposals included 74 parking spaces (1 per flat).

Highways indicated that the proposals could be acceptable, subject to assessment of sustainable transport provision and potential s106 contributions.

A further request was made to reduce parking levels; this was indicated to be unacceptable.

2017/2606/FUL: Full application for 470 bed PBSA and ground floor ancillary uses including 4 car parking spaces.

Highways recommended refusal due the proposals being detrimental to highway safety:

- Low parking levels
- Poor pedestrian connectivity to New Cut Road, the existing tunnels providing a hostile pedestrian environment.
- No explanation for how the 4 parking spaces would be managed, this would be a particular issue at start and end of term.

Notwithstanding the Highway's recommendation, planning reported to committee with recommendation for approval. Committee refused the application due on highway safety (parking) and building massing grounds.

The refusal was upheld on appeal APP/B6855/A/18/3214419, with the Inspector noting:

- That the site is in a sustainable location, with the potential to reduce car borne trips.
- That the measures suggested i.e. Tenancy agreements and parking management could assist, but no details had been provided, also noted was that even if they were provided there would be difficulties at pickup and drop off time.
- Walking routes to New Cut Road are not appropriate.
- Nearby car parks are not close enough to provide a viable alternative at pickup and drop off time.
- The narrow nature of John St and Jockey St, with no dedicated turning, this has the potential to cause safety issues, particularly given the proximity of other properties.

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- No allowance has been made for the ancillary ground floor uses, staff and servicing.
- Proposals had the potential to be detrimental to highway safety

2019/1225/PRE: Pre Application for 334 bed PBSA 68m<sup>2</sup> of commercial space, including 25 undercroft parking spaces.

The Highway comments indicated that at 25 spaces any subsequent application would be recommended for refusal due to being detrimental to highway safety and placing increased pressure on the surrounding streets. Alternative walking routes would not encourage non car modes of travel nor access to public transport contrary to the aims of PPW10 and the Active Travel Act.

The proposals also indicated public realm enhancements and an area of public open space which involves work to the existing public highway.

Pre-Application Consultation: This PAC relates to the construction of 328 beds purpose built student 10 parking spaces (although 8 were stated in the DAS).

The application is supported by a Transport Assessment and Travel Plan.

The TA set out the potential travel demand from the site, and its location in terms of other local services, it is established that the site is located in a sustainable location, however the already reduced parking requirement within the parking guidance for PBSA is predicated on this, with good sustainable routes.

Pedestrian improvements to the route to New Cut Road are welcomed, however it is not known whether this would become an attractive useable option.

The latest Pre App response concluded that the 25 proposed spaces fell well short of the standards set out in the SPG, the current proposals to provide only 10 spaces is a further reduction, and would likely result in a recommendation of refusal for any forthcoming application, as being detrimental to highway safety for the reasons already established.

The inspector noted that "both John Street and Jockey Street are narrow roads culminating in a cul de sac. The absence of available parking would potentially result in cars reversing or attempting to turn in an area that is constrained and in close proximity to the main entrances to the student accommodation itself, some of the parking for the adjacent business school and residences and close to a tight bend where John Street joins Jockey Street. I find this would lead to an unacceptable conflict between highway users."

The proposed public realm enhancement is on the adopted highway, it is unclear how this will be facilitated, this will require a stage 1 road safety audit as a minimum. It is thought however that introducing non-segregated pedestrians and cyclists into an area which has the potential to accommodate cars and other vehicles reversing or turning, particularly given the close proximity of other accesses would certainly be of further detriment to Highway safety, and something which the Highway Authority could not support.

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**Item 2 (Cont'd)**

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2020/0097/FUL Current Application:

This application comprises a scheme with 328 bedrooms, 18 car parking spaces and 164 cycle parking spaces. The access to vehicular parking is to be taken off John Street with the addition of works to facilitate the schemes needs, resulting in loss of much needed local onstreet parking.

The Transport Assessment submitted with the application attempts to justify the low provision of car parking through the use of tenancy agreements and travel plans. However, the SPG on parking provision already takes account of these within the low parking requirement require for this land use, it is therefore inherent and not for further discounting purposes.

In the appeal, which resulted in dismissal, the Inspector stated:

'The provision of only 4 car parking spaces for a development of this scale falls severely short of the Council's parking standards, and which the Council states have already taken account of potential measures to reduce car ownership for student accommodation. I acknowledge that the standards allow for flexibility and policy AS6 identifies that these are maximum standards. However, I find that the demands of the development, even with the proposed measures in place, mean that there would not be a sufficient level of parking to ensure that there would not be additional pressure on nearby streets to accommodate such parking.'

The 'Severe' shortfall is not considered to be addressed in the current proposals in just 18 parking spaces. The shortfall is still considered significant and also completely unacceptable.

The Inspector further expanded on the issue of parking:

'There is limited on street parking available in the local area with the now vacant appeal site being used at the time of my visit for a considerable amount of parking. This suggests that there would be other demands on any available nearby parking. In my assessment, the nearby streets would have limited capacity to meet any additional demand for parking resulting from the proposed development.'

This current application also seeks to remove some existing parking provision and will further compound the issues identified.

The Inspector confirmed that nearby car parks are beyond distance and locations that would be deemed useful, a view shared by the Highway Authority, therefore this scheme must provide a more realistic level of parking provision for it's intended residents and for any proposed external loss.

The Inspector's view on external parking issues was made clear:

'The pressure on the restricted and constrained surrounding streets for parking would give rise to the potential for associated risks to highway safety. Whilst the restrictive measures to prohibit parking are able to be enforced, I do not find this in itself to be sufficient to justify a development that provides such a small number of parking spaces with the associated potential for pressure for parking elsewhere.'

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For the reasons set out clearly throughout the planning history and concluded by Inspector, the proposed scheme does not provide sufficient car parking and will lead to the detriment of the local area. The recent proposals include the use of highways within the masterplan, addressed below, and as such will reduce existing parking further than the scheme put before the Inspector.

Local Improvements:

There are no significant mitigation measures or improvements proposed in sustainable travel which work to ensure that private car use is not required on a day to day basis. The proposed improvements are limited to localised street lighting upgrades and CCTV installation.

The Inspector concurred with the ongoing Highway Authority position:

'If car ownership was restricted, the pedestrian link to the east onto New Cut Road is poor and provides an intimidating route to the city. I find this would reduce its desirability for use by pedestrians wishing to access some bus services and parts of the city particularly at night and who would thus seek other options to access such services, such as using private cars or taxis.'

The proposed lighting for New Cut will have limited little benefit for this route and the issues will still remain.

In terms of Section 106 requirements this was set out in the previous iteration of the scheme 2017/2606/FUL. This confirmed shortfalls in the existing infrastructure and the application was required to:

1. Improve the existing on road cycle route along the Strand, which runs as far as Kings Lane, and also extend it as far as Quay Parade, where it will tie in with the route on the shared use path.
2. Footways on the second Tawe Crossing to provide another route across the river.
3. Convert the crossings on the junction with Parc Tawe Link to Toucan type.'

The amount required was set out as £142,000 and this has been reviewed in the context of the current application. The shortfalls identified previously are confirmed to still be the case in the current application status.

The S106 contribution calculations used for this scheme are consistent with all developments and have been revisited with the new information submitted in terms of bed spaces and inflation since last application. The factors applied are conservative including the site accessibility rating marked as 'High' and the resulting maximum total that could now be requested is £165,000.

As set out, the shortfalls that would need to be mitigated by the site are still relevant and are not affected by the number of bed spaces proposed, not a pro rata sum for negotiation. The S106 calculations have been reviewed and the amount relating to the mitigation required is significantly below what could be requested. Therefore, it is confirmed that this requirement for S106 of a total of £142,000 is still applicable and could also be reviewed in terms of inflation for the cost of the works.

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Land Ownership:

The masterplan proposals include large areas of adopted highway, which as set out in this response will, as a result of the development, reduce existing parking provision.

The Highway Authority has not been consulted on this proposal to redevelop the highway for the purposes of development and instead had to identify this issue with the case planning officer, that the application was not valid due to notice not being served. This resulted in the application being withdrawn from a planned committee to have formal notice served.

The Highway Authority would not grant permission for the local highways to be used for the purpose of this development. The public highway is intended to be managed for the greater public benefit and the masterplan proposals do not offer any notable local benefit.

In addition to the above, the Highway Authority would use its powers to veto and dismiss any applications for Stopping Up Orders that may be deemed necessary to carry out the works.

It should be noted by the applicant team that any planning permission that may be granted, does not automatically translate into permission to work on the Highway. In this case this would apply as the advice given as the Highway Authority and as the land owner.

Concluding Recommendation:

The Highway Authority continues to strongly object to these proposals for the reasons already established throughout the site's history.

The Highway Authority position has always been clear on the issue of parking and highway safety. These have been expressed over the numerous consultations and validated by the Inspector's independent views that the proposals have not adequately assessed parking provision and will ultimately work to detriment highway safety.

No supporting information has been provided for what is a proposed large scale alteration to the existing public highway in terms of any design or safety audits, and the Highway Authority have not been contacted by the applicant.

The Highway Authority are of the view that for the reasons detailed above the application is fundamentally unsafe, and will only serve to exacerbate the issues highlighted by the Planning Inspector.

As such the Planning Committee is respectfully requested to refuse this application.

### **Placemaking and Heritage Team -**

This planning application site lies to the north of Swansea Rail Station. It is currently a vacant site in an area that suffers from anti-social behaviour. The site was redeveloped in the 1960s and the past use of site relates to worker's housing for Swansea Canal and Cambrian Pottery alongside the Tawe.



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Immediately to the north is the three storey friendship house and single storey dance studio. Further to the north on the opposite side of Bethesda Street is the former Bethesda Chapel (grade II\* listed) which has now been converted to offices. To the east is a closed street (Bargeman's Row) then an area of scrub land which slopes down to New Cut Road. To the south is the Business faculty of University of Wales Trinity St David's and the Valuation Office and Swansea Rail Station. Further to the south-west is the Mariner Street site where a purpose built student accommodation scheme is under construction comprising a 16 storey tower in part. Finally to the west is three storey residential accommodation (Bethesda Court) with the Palace Theatre (grade II listed) on the opposite side of Prince of Wales Road. Further to the west are a number of Council high rise flats including the Matthew Street blocks (12 storeys) which have been reclad to significantly improve the external appearance.

This site lies within the Upper High Street area as identified in the Swansea Central Area Regeneration Framework (SCARF). The vision theme for this area is 'Living, Working and Learning'. The High Street area to the south of the rail station is regenerating with the Urban Village live/ work catalyst project and subsequent approvals for Purpose Built Student Accommodation that are under construction. This Jockey Street application with over 320 student bedrooms has potential to instigate positive regeneration of the upper high street and help discourage the current antisocial behaviour in the area.

The earlier proposal for 414 bedrooms (ref 2017/2606/ful) including a 16 storey tower was refused by planning committee and dismissed at appeal. The Inspectors concerns were the character and appearance of the area and the highway safety resulting from low levels of car parking as set out below:

*The 14 storey block would have an overall width when viewed from the east and west of some 31.5 metres. This considerable span, combined with the height, would not, in my assessment, represent a slender and elegant approach to the design. It would be a significant bulk and appear as a monolithic, slab like structure. Viewpoints 2 and 5 represent the impact of the building to the wider views from the east and west. The building would result in an imposing and dominating feature within the townscape from these locations and other public vantage points to the east and west. The impact of the building would be further emphasised when viewed from the east as the tower would break the skyline and sit above the surrounding natural backdrop of the wider landscape. I find this massing and scale would be overly intrusive and harmful in the townscape. (paragraph 17)*

*In my assessment, the scale and mass of the building when viewed from closer locations, and in particular from New Cut Road close to the railway bridge, from Dyfatty Road from the north (represented by viewpoints 1 and 3) and from John Street would also be overwhelming. Whilst the span of the building on a north-south axis would be less at some 15.4 metres, it would nonetheless dominate and impose on closer views. This would be further emphasised, particularly when viewed from the south, by its position on rising ground and close to the railway bridge. The bridge is a strong horizontal element in the townscape. The rising vertical tower close to this bridge would result in it extending far above this feature, further emphasising its domineering characteristics. (paragraph 19).*

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*The pressure on the restricted and constrained surrounding streets for parking would give rise to the potential for associated risks to highway safety. Whilst the restrictive measures to prohibit parking are able to be enforced, I do not find this in itself to be sufficient to justify a development that provides such a small number of parking spaces with the associated potential for pressure for parking elsewhere. In addition, both John Street and Jockey Street are narrow roads culminating in a cul de sac. The absence of available parking would potentially result in cars reversing or attempting to turn in an area that is constrained and in close proximity to the main entrances to the student accommodation itself, some of the parking for the adjacent business school and residences and close to a tight bend where John Street joins Jockey Street. I find this would lead to an unacceptable conflict between highway users. (paragraph 33).*

This new submission reduces the density of accommodation from 414 rooms to 328 rooms in order to reduce the massing in response to the Inspectors comments.

The Jockey Street site is identified as a 'Consider Zone' in the adopted Tall Building Strategy Supplementary Planning Guidance where 'tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals' (4.3). Therefore the proposals have been assessed using the principles set out in adopted Tall Building Strategy Supplementary Planning Guidance as follows:

#### Land uses

The Upper High Street is a mixed use area and within this context, the proposal is for 328 student bedrooms with an active frontage ground floor communal area. With 328 student residents coming and going during the day and evening, this will significantly increase the footfall in the area, making it feel safer, more vibrant and creating demand for new commercial uses. The ground floor active frontage ensures life and activity on Jockey Street to help make this pedestrian link feel safer. This is in accordance with the Tall Building SPG and SCARF regeneration framework.

#### Scale form and massing

The main requirement for tall buildings is for the massing to be slender and elegant and not monolithic in appearance. The earlier refused and dismissed planning application proposals for this site were considered to be too monolithic and therefore unacceptable; they commented "The 14 storey block would have an overall width when viewed from the east and west of some 31.5 metres. This considerable span, combined with the height, would not, in my assessment, represent a slender and elegant approach to the design. It would be a significant bulk and appear as a monolithic, slab like structure". Following a period of negotiation the number of bedrooms in the new proposal has been reduced (from 414 to 328) which allows the massing to be reduced to create a lower eastern tower stepping from 6 to 10 to 12 stories (was 16 stories in the previous proposal). This reduced massing avoids an overbearing effect on Jockey Street, whilst the stepping form and architectural treatment address the Inspectors concerns about the north south dimension to ensure a slender and elegant form that acts as a marker for the rail station 'gateway'. The linked 6 storey block along Jockey Street has an urban scale. The 7 storey secondary tower at the west end highlights the entrance and has a similar scale to the adjacent UWTSD Business School. This steps down to 4 stories on John Street to link with the scale of the existing Friendship house and residential accommodation opposite. It is considered that this reduced massing which is still a tall building accords with the SPG and overcomes the Inspectors concerns about bulkiness and monolithic form.

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This will emphasise the station as a key gateway point in the city and to start to create a cluster of tall buildings around the rail station (also including the existing Oldway House and Mariner Street student accommodation under construction with 16 storey tower).

Heritage

There are a number of listed buildings with 500m of the site as follows:

The derelict grade II listed Palace Theatre lies approx. 55m to the west of the site with the John Street three storey flats visually separating the site. The main focus of this derelict theatre building is the southern 'point' which is unaffected by the proposals. There is very limited intervisibility and the proposal does not detract from the setting of this listed building. The presence of 328 additional students in the area passing the Palace will help the success of this regeneration project.

The former Bethesda Chapel lies approx. 50m to the north of the site and the chapel frontage overlooks the site. The proposed development will be clearly visible from the entrance to the former chapel. Whilst this will change the view from the chapel frontage this is considered acceptable in an urban context plus there are no impacts on key views to this listed building.

The grade II listed former St Matthews Church lies approx. 110m to the south west of the site on High Street. There is no intervisibility between this listed building and the site therefore there are no heritage effects in this instance. Similarly the grade II\* listed Ebenezer Chapel lies 200m to the south west with intervening built form and no visual relationship.

It is approx. 400m to the closest point of the Alexandra Road Conservation Area 400m which comprises a significant cluster of Listed Buildings including the Glynn Vivian Art Gallery. The verified visual VP04 demonstrates that there is no indivisibility between this heritage grouping and the site.

The grade II listed Hafod Bridge lies approx. 400m to north of the site. It is likely that there will be winter views to the proposed development when the trees are not in leave from the overbridge to the site and there may also be views from Upper Strand from the underbridge. Given the functional transportation nature of this listed structure it is considered that the views from it are neutral and there is no effect on views to this listed structure arising from this proposed development.

There are a number of scheduled ancient monuments within 1km of the site including Foxhall Staithes, White Rock Copperworks, Swansea Castle and Original Swansea Castle Site. The Pre-application Consultation (PAC) response from Cadw in relation to these designated heritage assets notes that due to intervening buildings, topography and vegetation there will be no intervisibility and therefore no impact.

There will be views of the tower from the Vivian's Town Conservation Area which lies approx. 800m to north. It will be viewed in the distance as part of the urban cityscape and is acceptable on this basis.

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### Visual

Verified visual testing has been undertaken which compares the refused and dismissed scheme with the amended reduce proposals. This confirms that the reduced height tower would still form a highly visible positive addition to Swansea's skyline as follows:

VP01 - the view from the Dyfatty Footbridge to the north which also includes the Matthew Street flats to the right of this view. This shows that the upper part of the 6 storey urban block would be visible as part of the urban roofscape and the east and west taller elements would be visible as a slender and elegant forms.

VP02 - the view from Windmill Terrace to the east includes the east side elevation of the taller block that steps from 6 to 10 to 12 stories from south to north in order not to break the skyline of Mount pleasant beyond. This was a concern of the Planning Inspector that has been addressed by the reduced and amended massing.

VP03 - the view from the south on New Cut Road with the recent St David's purpose built student accommodation on the right (approx. 9 storeys). This shows that the upper part of the 6 storey urban block would be visible as part of the urban roofscape and the east and west taller blocks would be visible highlighting the station gateway.

VP04 - the view from the junction of Orchard Street and Alexandra Road demonstrates that the proposal will not be visible from the Conservation Area on Alexandra Road, furthermore the Mariner Street site is being developed for a separate approved tall building student accommodation scheme

VP05 - the view from Berwick Terrace to the west demonstrated that the two taller blocks would be visible as a cluster within the urban roofscape. Additionally it can be seen that the proposed tower forms part of an existing cluster of taller buildings around the rail station with the existing approval for a tower on the Mariner Street site to the right of this view adjacent to Oldway House.

### Transport, Movement/ Active Travel

The site is a 350m walk from the rail station and 300m walk from bus stops on High Street, it is therefore a highly accessible site for walking, cycling and public transport. The development will also create important active frontage on Jockey Street which provides an attractive aspect and natural surveillance of the pedestrian route from New Cut Road/ Morfa Road where a new river front district is developing and linking this area more safely to the High Street and wider city centre. It is important to note that the Police Designing Out Crime Officer has not objected to this development.

### Parking

One aspect for the dismissal at appeal was the lack of designated car parking with only 4 operation parking spaces previously proposed and the Inspector was concerned at the consequential highway safety. This has been addressed in the amended scheme by providing 18 undercroft parking spaces on site for use of student residents only. Plus secure storage for 164 within the ground floor of the building.

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Given the national emphasis on active travel (walking/ cycling) plus the well-being goals that seek to reduce car dependence and the impacts such as particulates, from a placemaking perspective the proposed low level of car parking is considered on balance to be acceptable. As the applicant points out, the level of parking proposed is comparable to other proposed built student accommodation schemes recently consented and to accommodate the full number of parking spaces on site as required by the parking standards SPG would result in the majority of the active frontage being lost and replaced by a 'dead' frontage of car parking which would most likely encourage additional anti-social behaviour due to the lack of natural surveillance.

To ensure that walking and cycling are supported by this development in the wider city, off-site improvements to walking and cycling are required to be funded through an s106 agreement.

Public realm

The proposal is to create a multi-functional frontage area with turning/ servicing area, informal hard paved space and trees. This would be an open frontage that is informally policed by the active ground floor frontage and overlooking from bedroom windows to ensure a positive interaction with the public realm.

There would be a secure 'garden' area to the rear (north) that is secured by the building and unclimbable fencing where necessary. The ground floor active frontage space has high levels of glazing that allows views through and visually links the south forecourt to the north garden area.

The application red line includes Jockey Street so that this adopted highway can be enhanced via a condition. This is welcomed because the only vehicles using Jockey Street will be those accessing or servicing this student development; it is not a through route for vehicles but it will be very well used walking route by the 328 students resident in the development and the wider emerging population along Morfa Road that also use Jockey Street to access High Street its facilities. Therefore an enhancement as a 'shared surface' would reflect the high levels of pedestrian use and low levels of access only slow speed vehicles.

**Green infrastructure**

Since the refused and dismissed scheme the requirements for mandatory sustainable urban drainage standards in parallel to the planning process has been introduced and green infrastructure with a city centre green infrastructure strategy being prepared as a key element of city regeneration. The upshot is that surface water must be attenuated on site and additional multi-functional greening is required.

The drawings indicate a rain garden on the Jockey Street frontage which will hold water to irrigate planting with overflow restricted into the sewer system. It is not clear if the four trees indicated within the rain garden are feasible and this needs to be controlled via condition.

To meet the green infrastructure standards this requires biodiverse planting including trees to the ground areas and on building greening. In this instance the on building greening takes the form of planted terraces for the student residents to access and extensive green roofs to the inaccessible areas.

The supporting information indicates that the planting areas and specification only just meets the 0.4 Green Space Factor target for residential accommodation (exceeding this by just 0.02).

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This calculation doesn't appear to take into the walkway on the roof of the 6 storey block to access PV panels so may fail the Green Space Factor calculation. However additional greening could perhaps been introduced above the basement car park with an extensive green roof. Additionally there is no sectional detail confirming that the extensive green roof areas have sufficient depth to achieve the relevant scoring for substrate of 60-80mm. Therefore this needs to be ensured via condition.

### **Quality**

As well as reducing/ amending the massing since the refusal and dismissal at appeal, the elevations have been were 'simplified' with use of robust brick finishes in two colours plus limited areas of cladding.

The eastern block comprises a stepped tower form that rises from 6 to 10 to 12 stories from south to north. This avoids an overbearing effect on Jockey Street at the south end at street level which was a concern of the Planning Inspector and the height to the north acts as a marker element which is a 'gateway' in relation to Swansea rail station.

The western block is 7 stories reducing to 4 stories on John Street alongside three storey Friendship house. The linking east west block parallel to Jockey Street is 6 stories.

The taller elements are linked by a 6 storey block parallel to Jockey Street.

The proposed elevations of all three blocks is brickwork with large scale 'framing' of full height openings. The ground floor is highly glazed as active frontage. The top is treated as an extension of the brick framing to create a distinctive profile and concealed area for sheltered room top terraces and plant equipment area.

The drawings indicate that panels to side of the full height glazing will be openable for ventilation and the glass fixed. This has the effect of making the bedroom opening appear larger and adds positive articulation to the elevation plus allows ventilation to be positively integrated without the need for louvres and this detail can be controlled by condition.

The delivery of the quality of elevations as shown in the CGI images can be ensured by requiring large scale drawings of key details such as selected windows in their openings and by requiring a composite sample panel of all materials on site to see the actual juxtapositions.

### **Microclimate**

There is no wind effect report provided in support of this application. This was an issue with the scheme refused and dismissed at appeal. The wind effects may impact on comfort and use of the public realm and therefore must be conditioned to be carried out and mitigation if required such planting, public realm and building features must be agreed before any work starts on site.

### **Security**

This development seeks to address the antisocial behaviour that has occurred in this area through positive design, natural surveillance and positive footfall. At the ground the active floor frontage comprises a legible and secure main entrance, plus full height windows to the communal spaces for the students.

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The forecourt area is open and no security shutters are proposed to the ground floor - this is welcomed to make a positive statement about the new development's transformative potential rather than resulting to a defensive and fortified approach. The full height bedroom and lounge windows above maximises overlooking of the streets and public realm whilst ensuring no loss of privacy across John Street to the flats in the Bethesda Court development.

**Access for all**

The proposal addresses access for all with potential for one or more accessible parking spaces in the forecourt area. There is a legible and level entrance into the building with lifts to all floors. Within the building there are a number of accessible independent studio rooms and accessible rooms within cluster flats.

There needs to be an acknowledgement that Jockey Street itself is a historic sloping alignment and does not meet modern accessible standards and whilst it can be made more attractive and safe through the expanded red line boundary and a condition requiring the improvements to be agreed and triggered, the gradient of this street cannot be altered.

**Summary**

This amended proposal has been negotiated to an acceptable scheme that meets the requirements of the adopted Tall Building Strategy SPG and the Swansea Central Area Regeneration Framework. It would create a new city landmark at a key gateway related to the rail station. The architecture is a quality approach with a stepped and elegant tower. The high density student development will help tackle the issues of antisocial behaviour through active frontages and positive footfall. It will also contribute to the regeneration of the upper High Street. Therefore the approval is recommended subject to the following conditions:

- Composite sample plane of all materials on site
- Large scale drawn details of:
  - Ground floor glazing
  - Main entrance
  - Brick details and interfaces between materials
  - Typical bedroom windows in their openings
  - Typical lounge windows in their openings
  - Roof edges and corners to cladding systems
  - Ramp/ steps and associate wall/ handrails
- Scheme for the enhancement of Jockey Street within the red line
- Wind effect study and agreed mitigation before work starts on site
- Compliance with 0.4 green space factor score.

**APPRAISAL**

**Planning Application**

The revised planning application has been supported with the following documents:

- Design and Access Statement (DAS);
- Planning Statement;

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- Ecological Appraisal including Reptile Survey;
- Transport Statement & Travel Plan;
- Air Quality Assessment;
- Archaeology Desk Based Study Assessment;
- Daylight and Sunlight Amenity Study;
- Ground Investigation Report;
- Noise Impact Assessment;
- Drainage Strategy Report & Plan

**Material Planning Considerations**

As outlined above Planning Application ref: 2017/2606/FUL for the construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms) was refused on 13 August 2018. The subsequent Appeal was Dismissed on 18 February 2019 when it was concluded that the proposal would be harmful to the character and appearance of the area and would result in an unacceptable risk to highway safety as a result of the lack of parking provision. It would not be in accord with policies HC11, EV1, EV2 and AS6 of the UDP, it's associated Tall Buildings and Parking Standards SPGs or conform with the primary objectives of PPW when read as a whole. The Appeal Decision is a material consideration in the determination of the re-submitted proposal.

The main issues highlighted in consideration of the planning appeal were:

- the effect of the development on the character and appearance of the area; and
- the effect of the development on highway safety with particular regard to parking provision, and these are addressed in turn below.

Additionally, since the Appeal Decision was made, the Swansea Local Development Plan has been adopted (February 2019) and compliance with prevailing Development Plan policy and Supplementary Planning Guidance is also summarised below.

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

**Development Plan Policy and Supplementary Planning Guidance**

National Planning Guidance

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



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

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

Paragraph 8.7.1 states when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
- the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

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### Swansea Local Development Plan ('LDP')

As outlined above, since the Appeal Decision was made, the Swansea Local Development Plan has been adopted (February 2019) and compliance with these policies is outlined below.

#### Development Plan and Relevant Policies

The Local Development Plan (LDP) has designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. The development proposal would lie adjacent to the defined Concept Plan for SD J: Swansea Central Area which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central

Area that capitalises on its unique assets to become a destination of regional and national significance. Additionally, the site lies adjacent to the defined boundaries of the Swansea Central Area Regeneration Framework (SCARF) area and the Upper High Street area which is identified as an area where the vision theme is 'Living, Working and Learning'. The High Street area to the south of the rail station is regenerating with the Urban Village live / work catalyst project and subsequent approvals for Purpose Built Student Accommodation that are under construction (i.e. Oldway and Mariner Street). This Jockey Street proposal has the potential to instigate positive regeneration of the upper high street and help discourage the current antisocial behaviour in the area.

Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent (PS1 & PS2).

Policy H 11 states that proposals for purpose built student accommodation should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and
- iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

#### **Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance**

The site is located on the edge of the Swansea Central Area and in this respect the Adopted SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is of relevance to this proposal. In respect to PBSA, the SPG seeks to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for the Central area. The SPG proposes that the LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:

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- There are no available and suitable sites in the City Centre; and
- There is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
- The development would give rise to an overall benefit to the vitality and viability of the City Centre.

Availability and Suitability

As indicated the application site is on the edge of the City Centre Action Plan Area, however, there appears to be a continuing demand for PBSA in Swansea, and whilst the current Covid19 restrictions may cause a dip in the market in the short term, in the longer term there continues to be a growth in the delivery of the PBSA market. Both Swansea University and University of Wales Trinity St David (UWTSD) have in recent years increased the numbers of students within Swansea and this trend is expected to continue within the coming years. It is noted that the Inspector acknowledged that there is an increasing demand for additional student accommodation in the area. It is considered that the projected increase in the levels of PBSA within the City Centre confirms the significant shortfall of student accommodation and highlights the need for the delivery of further accommodation. Whilst LDP Policy H11 does not specifically exclude new PBSA from areas outside of the City Centre, in land use policy terms, it is argued that the development seeks to make efficient use of an underused brownfield site which is in accordance with both Planning Policy Wales and the UDP.

Accessibility and Connectivity to the City Centre

Criteria 2 of the draft SPG requires that acceptable accessibility and connectivity to the City Centre is achievable by walking, cycling and public transport. The nearest public transport bus stop is located on High Street and within close walking distance of Swansea Railway Station. Whilst the site is on the edge of the City Centre Core Area, it is located within a sustainable location in terms of access to public transport.

Overall benefit to the vitality and viability of the City Centre

It is noted that the Inspector indicated *I have no reason to disagree that the proposal for student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city and additionally, that the site is located in a sustainable location.*

**The effect of the development on the character and appearance of the area**

Tall Building Strategy SPG

The application site is located within the 'consider zone' for tall buildings. The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City Centre regeneration. A 'consider zone' which is defined as a location where 'well designed tall buildings can have a positive impact, subject to the availability of supporting information'.

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The SPG indicates that tall buildings should:

- Signify areas of regeneration
- Create a distinctive skyline that projects a new image for Swansea
- Form a landmark that marks a key city gateway
- Maximise densities in proximity to public transport

Places to Live Residential Design Guide SPG (2014)

Whilst this adopted design guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests. The majority of the design requirements are set by the Tall Building SPG.

The relevant requirements of the Residential Design Guide include:

- Maximise density in accessible location - as indicated above the, site is in a highly accessible location. It is well served by public transport, walkable to the city centre and a cycle ride to the various university areas. The Residential Design Guide sets the objectives of maximising densities in accessible locations and clearly is a high density development and there would be significant regeneration benefits.
- Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are easy to locate, and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design. The proposed main student entrance will be Jockey Street and there would be a number of communal facilities at ground floor including a café and will be visible and legible.

The Inspector acknowledged the Tall Building Strategy SPG and stated: *The site lies within an area defined in the Council's adopted Tall Buildings Strategy Supplementary Planning Guidance (the Tall Buildings SPG) as a consider zone where tall buildings may have a positive impact subject to the availability of supporting information to justify the proposals. The Tall Buildings SPG provides a number of design principles, including working with the topography, the relationship to the street, including to the human scale at ground level and adjacent buildings. Tall buildings should be of the highest architectural quality and be of slender proportion and elegant in design with consideration of near, distant and far views and vistas. They should also demonstrate the proximity and accessibility to sustainable transport modes and the quality of links between the same and provide a high quality public realm. Proposals should be accompanied by thorough context analysis including micro-climate assessment and landscape/townscape and visual impact assessment including a stated methodology and verification through recognised methods.*

The proposal under ref: 2017/2606/FUL consisted of a 6 storey block and partly within a 14 storey block accommodating 414 bedrooms in cluster flats and studio apartments. The Inspector stated *the considerable span, combined with the height, would not represent a slender and elegant approach to the design and would be a significant bulk and appear as a monolithic, slab like structure* and found that the massing and scale would be overly intrusive and harmful in the townscape.

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Concerns were also expressed about the dominating and enclosing element of the development when viewed at street level, and overall the proposed development was concluded to be harmful to the character and appearance of the area which would not accord with the Unitary Development Plan policies and would not accord with the Tall Buildings SPG.

As outlined in the Placemaking and Heritage Team observations, this is a reduced development of 328 bedrooms which allows the massing to be reduced to create a lower eastern tower stepping from 6 to 10 to 12 stories. This reduced massing avoids an overbearing effect on Jockey Street, whilst the stepping form and architectural treatment address the Inspectors concerns about the north south dimension to ensure a slender and elegant form that acts as a marker for the rail station 'gateway'. The linked 6 storey block along Jockey Street has an urban scale. The 7 storey secondary tower at the west end highlights the entrance and has a similar scale to the adjacent UWTSD Business School. This steps down to 4 stories on John Street to link with the scale of the existing Friendship house and residential accommodation opposite. It is considered that this reduced massing which is still a tall building accords with the SPG and overcomes the Inspectors concerns about bulkiness and monolithic form.

### **Community Safety and Public Realm**

As highlighted, the Inspector found the pedestrian links through the tunnels underneath railway bridge onto New Cut Road to be dark, imposing and intimidating and the site is at present a problem area attracting anti-social behaviour. The Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) SPG highlights that PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. The Council's adopted 'Planning for Community Safety' SPG (2012) also provides guidance in increasing community safety and reducing crime and the fear of crime, in order the quality of life for future students.

Whilst the Designing Out Crime Officer (South Wales Police) originally expressed concerns about the proposed development, following discussions with the local police officers, no objections were raised to the planning application, subject to a request for conditions in respect of perimeter security, lighting, vehicular and bicycle parking, landscaping, CCTV, security, access and management. As indicated the site has become a problem for local policing and its redevelopment would help to improve the area in this respect.

The revised scheme will provide an improved active frontage on Jockey Street which provides an attractive aspect and natural surveillance of the pedestrian route from Jockey Street to New Cut Road/ Morfa Road. The ground floor café and entrance / reception area would 'police' together with the overlooking from bedroom windows to ensure a positive interaction with the public realm. The application site boundary (red line) has been increased to include the site frontage along Jockey Street which is part of the adopted highway which allows a planning condition to be imposed requiring the public realm enhancement of this area as a 'shared surface' area reflecting its use with high levels of pedestrians and low levels of vehicular access. This would also facilitate improvements to the 'tunnel' at the end of Jockey Street which provides a pedestrian access down onto New Cut Road. This would help to address the perceptions of anti-social behaviour in the area whilst the site itself would be 'secured' by a security fence around the landscaped area.

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The Inspector acknowledged these local highway and public realm improvements and give them considerable weight but did not find them to be sufficient to outweigh the harm from the development. However, it is considered that these highway and public realm improvements are acceptable and can be secured through a planning condition.

**Impact on residential amenity**

The revised application has been supported by a further Daylight and Sunlight Amenity Study and identifies the following properties for inclusion in the study:

- Ty Gwenllian, a three storey building containing residential flats, probably constructed in the 1990s, situated to the northwest of the development site at the junction between High Street and Bethesda Street.
- Bethesda Court, a four storey development containing residential flats, probably constructed around 10 years ago, situated to the west of the development site. It's rear elevation overlooks John Street and the development site.

The Study concludes that the levels of daylight and sunlight Amenity received within Ty Gwenllian following the construction of the proposed development will be satisfactory as the results meet the guidelines in every instance. The vast majority of the rooms and windows within Bethesda Court will also continue to receive satisfactory levels of daylight and sunlight amenity following the construction of the proposed development. There are some very occasional areas where the results are regarded as being just below, however, they are close to achieving the guideline levels and in this context overall are acceptable. Overall, the proposed development has been designed to respect the residential amenities of the neighbours occupiers who should continue to receive good levels of daylight and sunlight amenity following its construction.

**Effect of the development on highway safety with particular regard to parking provision**

As indicated the previous planning application for a development of purpose built student accommodation (under reference 2017/2606/FUL) for the construction of 453 bedroom high rise accommodation was refused and dismissed at appeal. The Inspectors appeal decision is a material consideration in respect of a resubmitted proposal. The appeal contained details of a unilateral undertaking under the provisions of a section 106 with regard to a highway contribution towards measures to improve accessibility of the site. It also included an obligation with regards management of car parking linked to a tenancy agreement.

When assessing the impact on the character and appearance of the area the inspector wrote (para. 20) she considered that the existing pedestrian routes to New Cut Road through the tunnels underneath the railway bridge to be dark, imposing and intimidating stating: *"The proposed development adjacent to these routes would result in an additional dominating and enclosing element. The development of the tower would not relate to the human scale at street level and I find that it would further reduce the attractiveness of these routes to pedestrians"*.

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The Inspector concurred with the view that the site is located in a sustainable location and as would have the potential to reduce the demand for car use. Whilst acknowledging the obligations within the Unilateral Undertaking, it was indicated that details of the car park management plan / tenancy agreement had not been made available (and no implementation cause indicated) and as such was given little weight in her considerations.

However she noted that even if the measures were in place it would be inevitable that management of the car parking site could be difficult due to unforeseen circumstances. At pick up and drop off times the low parking numbers and distance to public car parking facilities means that congestion is likely to arise in the restricted area. Allayed to this, it was considered that the pedestrian link to New Cut Road was poor and providing an intimidating route. As such its desirability would be reduced and as such an increase in private cars or taxis would be likely.

The inspector concluded that despite the sustainable location of the site, and the obligations offered in the UU to control parking, there would still be vehicular movements associated with the proposed development and the provision 4 car parking spaces would fall short of the Council's car parking standards, and would lead to additional pressure on nearby streets to accommodate parking which already have limited capacity. The pressure on the restricted and constrained surrounding streets for parking would give rise to the potential for associated risks to highway safety creating unacceptable conflict. It was concluded that the proposal would lead to an unacceptable risk to highway safety as a result of a lack of parking provision and would not accord with UDP Policies or the Parking Standards SPG.

### Revised proposals

In terms of the parking standards, it is indicated that the requirement for this level of PBSA under the Parking Standards SPG is 46 spaces, and within the revised submission only 18 are being proposed which is below the standards to which the Highway Authority would support and has recommended refusal on the grounds that failure to provide adequate parking will result in detriment to highway safety and would place increased pressure on the surrounding streets resulting in indiscriminate parking.

The application site is situated outside the City Centre Core Area under the Parking Guidelines, however, it is located within the 'outer' Central Area in respect of standards for residential development under the Parking Guidelines where the policy indicates that schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary. The Parking Standards Supplementary Planning Guidance specifies that for purpose built accommodation, within all zones, there is a need for 1 car parking space for every 25 bedrooms for servicing, wardens and drop-off areas. Based on the amended scheme of 328 bed spaces, this amounts to a total of 13 car parking spaces. However, as the site lies outside of the City Centre Core Area the requirement also reflects that, in addition, to the above, parking is needed for students and visitors and that equates to 1 space per 10 bedrooms. Based on the revised scheme this relates to the need for 33 car parking spaces in addition to the 13 resulting in a total need for 46 spaces.

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This revised layout indicates a total of 18 spaces (as opposed to 4 previously) located within the development and as the site lies outside the city centre 'core' area, it does not comply with the car parking guidance set out with the SPG. As outlined in the Transport Assessment, the proposed development makes no provision for student parking on a day-to-day basis and that a tenancy agreement will include clauses limiting car ownership but also that the development will be accompanied by a Travel Plan. It is acknowledged that the greatest demand on the 18 on-site parking spaces will occur at the beginning and end of each academic year when students move into and out of their accommodation, however, this would be managed by a controlled booked arrival time slot any by marshals being deployed at the entrance to John Street, the site entrance and within the site's courtyard to manage entry, direct any arriving without a ticket to the public car park and ensure that cars move away from the site promptly once unloaded. This is a common process adopted by similar student developments across the UK.

Whilst the objection of the Highway Authority is noted officers consider that whilst the level of parking does not accord with the Parking Standards SPG, the development is within a highly sustainable location being located with a short walk from Swansea Railway Station and the bus route along High Street / Orchard Street and the facilities of the city centre are also within a walkable distance. Whilst the application site lies outside the city centre 'core' parking area, there is an opportunity to support sustainable transport and shifting modes of transport from private car along with supporting the Council's regeneration aspirations for the City as a whole. To this effect the development is largely similar to schemes that have obtained planning permission and are nearing completion both within and on the periphery of the City Centre, for example, at Mariners Street, The Kingsway, Morfa Road and Plot A1 in SA1.

The imposition of a Section 106 agreement to control the management of car parking on site offers a reasonable approach for this form of development. Furthermore planning obligations to provide for enhancements to the transport network, particularly in relation to improving pedestrian connectivity and public transport enhancements near to the site can be utilised to mitigate for the additional activity resulting from this development. This is considered to be a reasonable requirement as part of the development proposal and in the planning balance of material considerations would outweigh the lack of parking cited by the Highway Authority which represents a reason for refusal. Furthermore the applicant has provided justification in the submitted TA which identifies the local facilities and areas of commerce that can be accessed by foot and cycle by potential students residing at the accommodation. Taking into account best practice found in the IHT guidance 'Providing for Journeys on Foot' the applicant notes that the preferred maximum walking distance for town centres is 800m. Given the close proximity of the site to these uses the applicant considers that the scheme lies within a sustainable location thus to provide justification for the scheme. Officers consider that whilst the scheme does not accord with the SPG in relation to Parking Standards this shall be taken as guidance in assessing individual applications and each application considered upon its individual merits.

In this case the scheme provides minimal car parking, however, it has been demonstrated that the site is within a sustainable location and suitable mechanisms can be imposed through a Section 106 to deal with car parking management and improvements to pedestrian and public transport connectivity in the area. Whilst the Highway Authority has cited that the development will lead to pressure to park on the surrounding streets it should be noted that there are existing enforceable parking restrictions on the surrounding streets and there is therefore no supporting evidence to demonstrate that this development will directly harm highway safety in those areas.



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The mechanisms to control parking would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Local Development Plan. The provision of the planning obligations, to improve the current travel network surrounding the site, would be a course of action considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

### **Impact on archaeology and cultural heritage**

#### Archaeology

The planning application is accompanied by an Archaeological Desk Based Assessment to determine the archaeological potential of the application site, and in particular to assess the impact upon standing and buried remains of potential archaeological interest and to ensure that they are fully investigated and recorded if they are disturbed or revealed as a result of subsequent activities associated with the development.

The Assessment has concluded that no previous identified archaeological sites have been recorded within the proposed development site, although it does contain some areas of potential archaeological interest. These include the potential for Roman archaeology associated with the route of a Roman Road (between Neath and Loughor), although the route of this road in the immediate environs of Swansea has not been proven; and therefore the potential for finding evidence of a Roman Road or associated activity within the proposed development would appear to be Low, nevertheless if found it would be considered to be of Regional (Medium) archaeological importance.

There is some potential for medieval settlement activity within the development site, although generally the potential for finding medieval archaeology is considered to be Low, and as such should remain exist they are likely to be of Local (Low) interest. The scheme area underwent relatively intense urban development throughout the 19th century. This appears to have been largely residential, potentially of a relatively poor standard, with some possible small commercial and warehouse properties. No standing remains from this period have survived as the site was cleared and partially redeveloped between the 1940s and 1960s. There is however a Medium potential for remains of this late post-medieval urban development to exist below ground; such remains would be considered to be of Local (Low) interest.

Glamorgan Gwent Archaeological Trust have indicated that the previous response to Ref: 2017/2606/FUL remains valid and recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached. The programme of work would be an archaeological watching brief during any ground disturbing work, identifying any elements of the proposals which may also need to be hand-dug by archaeologists

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## Cultural Heritage

There are six Conservation Areas (CA) which lie within the 1km search area around the proposed development. Dense urban development provides a visual barrier between the proposed development site and most of the Conservation Areas to the south, including Alexandra Road (CA022), Mount Pleasant (CA025), Oxford Street / Nelson Street / Union Street (CA018), Wind Street (CA014) and The Maritime Quarter (CA021). It is approx. 400m to the closest point of the Alexandra Road Conservation Area 400m which comprises a significant cluster of Listed Buildings including the Glynn Vivian Art Gallery. The verified visual VP04 demonstrates that there is no indivisibility between this heritage grouping and the site.

The remaining CA of Vivianstown (CA017) lies to the north, and occupies a topographically more prominent location. There will be views of the tower from the Vivian's Town Conservation Area which lies approx. 800m to north. However, it will be viewed in the distance as part of the urban cityscape and is acceptable on this basis.

There are a number of scheduled ancient monuments within 1km of the site including Foxhall Staithes, White Rock Copperworks, Swansea Castle and Original Swansea Castle Site. The Pre-application Consultation (PAC) response from Cadw in relation to these designated heritage assets notes that due to intervening buildings, topography and vegetation there will be no intervisibility and therefore no impact and it is not considered that any Scheduled Ancient Monument (SAM) will be directly affected by the proposed development.

There are no Listed Buildings that will be directly affected by the proposed development, there are large number within the 1km search area around the proposed development area, however the impact of the development on these individual sites is very limited.

The derelict grade II listed Palace Theatre lies approx. 55m to the west of the site with the John Street three storey flats visually separating the site. The main focus of this derelict theatre building is the southern 'point' which is unaffected by the proposals. There is very limited intervisibility and the proposal does not detract from the setting of this listed building. The presence of 328 additional students in the area passing the Palace will help the success of this regeneration project.

Bethesda Baptist Chapel (Grade II\* listed) lies approx. 50m to the north of the proposed development, and is perhaps the one listed building within the area that will have clear unobstructed views of the proposed development. However, the existing views to the south consist of large modern urban development and whilst this will change the view from the chapel frontage this is considered acceptable in an urban context plus there are no impacts on key views to this listed building.

The grade II listed former St Matthews Church lies approx. 110m to the south west of the site on High Street. There is no intervisibility between this listed building and the site therefore there are no heritage effects in this instance. Similarly the grade II\* listed Ebenezer Chapel lies 200m to the south west with intervening built form and no visual relationship. The grade II listed Hafod Bridge lies approx. 400m to north of the site. It is likely that there will be winter views to the proposed development when the trees are not in leave from the overbridge to the site and there may also be views from Upper Strand from the underbridge.

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Given the functional transportation nature of this listed structure it is considered that the views from it are neutral and there is no effect on views to this listed structure arising from this proposed development.

### **Flood risk and Drainage**

The application site is located within Zone A (little or no flood risk from rivers or sea). The closest fluvial floodzone source (Zone C2) is the River Tawe some 250m east and which is at a considerably lower elevation than the site. There is therefore minimal risk of flooding to the site.

The submitted Drainage Strategy indicates that foul drainage will be connected to the existing public sewer network in Jockey Street and there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections. The Council's Drainage Engineer raises no objections to the submitted Drainage Strategy subject to the imposition of a surface water and land drainage planning condition.

### **Pollution and ground contamination**

A Noise Assessment has been undertaken to investigate the noise climate on the proposed site in order to establish the suitability of the proposed development at this location. The site is located in the city centre and the noise climate is characterised by road and rail noise from the A483 and the Swansea Railway Station along the eastern boundary. A 24-hour noise survey of the land was carried out to allow an assessment of the impact of noise on the site as per the general requirements of Technical Advice Note:11 Noise (TAN 11). The assessment indicates that the site is in Noise Exposure Category 'C' and as per the guidance detailed in TAN 11 [1]:

"Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise".

Once conditions are known, an appropriate scheme of mitigation can be determined to satisfy any noise criteria. The Assessment indicates that even though the site is impacted by rail noise, due to the intermittent nature of the rail noise compared with the relatively continuous road traffic noise, the site is categorised as a 'road traffic noise' site for the purposes of establishing the appropriate NEC. The residential units within the PBSA will require adequate sound insulation of the building and the windows.

An Air Quality Assessment has been undertaken of the proposed development. The Council has assessed air quality within the area which have indicated that concentrations of NO<sub>2</sub> are above the relevant AQOs at a number of locations of relevant public exposure within the area. An Air Quality Management Area (AQMA) has been designed which includes the Hafod district, plus Sketty and Fforestfach and the proposed development site is located within the Swansea AQMA. The assessment results of air quality impacts during the construction phase indicate that dust emissions associated with the construction phase are not predicted to be significant following the implementation of the mitigation measures through dust management / Construction Method Statement. During the operational phase, the magnitude of the effects of changes in traffic flow as a result of the proposed development, with respects to NO<sub>2</sub> and PM<sub>10</sub> exposure, including at the surrounding AQMAs are determined to 'negligible'.

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The predicted annual mean ground level NO<sub>2</sub> and PM<sub>10</sub> at proposed receptors are below the AQAL and a detailed assessment will be not required.

A Geo-environmental Site Assessment Report has been submitted, and in respect of contaminated land, it is indicated that the Made Ground contains a number of contaminants at concentrations in excess of generic assessment criteria for the standard residential land use and which consequently have the potential to pose a significant risk to human health and as such will require remedial action to mitigate such risks. It is indicated that the proposed building development will itself serve to mitigate the risk (by isolating the Made Ground beneath permanent hard construction and preventing exposure to potentially contaminated soils), mitigation measures should only be required in external areas where the Made Ground soils may be present at or near the surface (e.g. in areas of soft landscaping, planting beds, etc.). In any such areas the Made Ground could be sealed beneath a simple cover system comprising an adequate thickness of suitable uncontaminated soil. The thickness of such a cover system would need to be agreed in advance with regulators, and may be up to 0.60 m.

With regard to the water pollution risk, the River Tawe has been identified as the most sensitive receptor. It is some 250 m distant from the site, but could theoretically be impacted by contaminants transported in the groundwater. Soil leaching tests have found PAH compounds at concentrations in excess of Level 1 target concentrations in one of three test samples. However, the proposed development is expected to maintain an impermeable cover over most of the site area. As this will preclude the infiltration of surface water it will serve to prevent the leaching of any PAH compounds from the Made Ground and will in itself mitigate the risk of pollution to the River Tawe. Furthermore, because the River Tawe lies some 250 m to the east of the site there will be opportunity for significant attenuation and dilution of contaminant concentrations along the groundwater flowpath between the site and the river. As the initial risk assessment presented here takes no account of such attenuation and dilution mechanisms it consequently provides a conservative estimate of pollution risk. In view of the above factors, it is considered that remedial action in respect of pollution risk to the River Tawe from on-site contamination is not warranted.

A desk-based assessment has concluded that old coal mine workings are highly unlikely in the vicinity of the site and that further consideration of mining subsidence risk is not warranted. It is anticipated that the loads imposed by the proposed building will be such that piled foundations will be necessary. Supplementary investigation will be required to inform the design of the piled foundations, which will require the involvement of a specialist piling contractor to ensure that an adequate level of information is obtained for pile design and that any piling related risks are identified at an early stage and adequately addressed. This can be controlled through a planning condition.

There is Japanese Knotweed located around the north and east boundaries with further stands on the sloping ground to the east. All instances of Japanese Knotweed should be eradicated prior to development commencing and a planning condition is imposed accordingly.

### **Waste Storage**

The building accommodates residential and commercial refuse facilities at ground floor at the rear of the building which allows refuse vehicles to pick up along John Street

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It has therefore been demonstrated that sufficient provision is made for refuse and recycling waste that will be generated by the student accommodation and commercial units.

### **Impact on Ecology**

The previously submitted Preliminary Ecological Appraisal confirmed that the former building (now demolished) was not being utilised by bats and that there are currently no features with bat roost suitability, within the red-line site boundary. The submitted reptile survey found no evidence of reptile or amphibian species.

### **Conclusion**

The proposed development would represent a significant regeneration of a brownfield site and aims to make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the brownfield site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. The site lies on the edge of the City Centre Core Action Area and LDP Policy H 11 in particular, favours the development of PBSA within appropriate City Centre sites and recognises the contribution this type of development can make towards achieving the wider regeneration aims for the area. The proposal should therefore be considered in the context of LDP Policy H11 and the aims of the SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA), and it is considered that student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city and additionally, that the site is located in a sustainable location.

It is acknowledged that this revised application which has followed extensive pre-application discussions has sought to address the concerns of the Inspector in respect of the impact upon the character and appearance of the area and as set out in detail in the report above it has been concluded that the revised scheme has addressed these concerns. The former appeal was also partly dismissed on the basis that it was deemed to result in an unacceptable risk to highway safety as a result of the lack of parking provision would not accord with UDP Policy at the time and the Parking Standards SPG. The parking provision at that time was 4 operational parking spaces to serve the development of 414 bedrooms whereas the revised scheme puts forward 18 undercroft parking spaces plus secure storage for 164 bicycles within the ground floor of the building for 328 bedrooms.

Whilst the concerns of the Highway Authority are duly noted there remains a need to balance the benefits of this development which include regeneration of this area, retaining an active frontage at ground floor level within the development and further seeking to discourage antisocial behaviour in the area against the lack of physical parking spaces on site. The fact that the scheme is in a highly sustainable location and is to offer off-site improvements to walking and cycling in the area shifts the material planning balance in favour of support for this application. The development will meet the requirements of the Adopted Tall Buildings Strategy SPG and the Swansea Central Area Regeneration Framework by creating a new city landmark at a key gateway to the railway station.

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It will contribute to helping tackle issues of antisocial behaviour, contribute to the regeneration of the upper High Street and provide opportunity to support sustainable transport and shifting modes of transport from private car along as advocated within Planning Policy Wales along with supporting the Council's regeneration aspirations for the City as a whole. On this basis, on balance, it is concluded that the application is acceptable and accords with the policy framework set out in the Swansea Local Development Plan, Supplementary Planning Guidance and National Policy and Guidance.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the 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 decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

**RECOMMENDATION:**

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

1. Car Parking Management in accordance with Management Plan  
The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement.
2. Highway / Public Realm Infrastructure (outside the application site)  
A contribution of £142,000.00 in order to fund improvements to the highway network to improve travel and connectivity in connection with the development.
3. Section 106 Management and Monitoring Fee  
Costs incurred against the management of the obligation based on 2% of the value of the obligations = £2,840.00

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies T1, PS2 and IO1 of the Swansea Local Development Plan 2010 - 2025**

1. The development hereby permitted shall not begin later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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- 2 The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan; 004-01 Landscape Plan; 010102 Rev E Proposed Lower Ground Floor Plan; 010103 Rev E Proposed Ground Floor Plan; 010104 Proposed First Floor Plan; 010105 Proposed Second-Third Floor Plan; 010106 Proposed Fourth Floor Plan; 010107 Proposed Fifth Floor Plan; 010108 Proposed Sixth Floor Plan; 010109 Proposed Seventh—Eighth Floor Plan; 010110 Proposed Ninth Floor Plan; 010111 Proposed Tenth Floor Plan; 010112 Proposed Roof Plan; 010113 - Proposed Security Line Plan; 020101 - Proposed North Elevation, 020102 Rev C - Proposed South Elevation; 020103 - Proposed West Elevation; 020104 - Proposed East Elevation; 90-002 - External Works Plan Zoning - plans received 17 January, 2020.

Reason: To define the extent of the permission granted.

- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.

Reason: In the interests of visual amenity.

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

- Typical bedroom and lounge window opening units;
- Main entrance door (including any canopy detail) within its opening;
- Ground floor glazing including Shopfront;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- Roof edges and corners to cladding systems
- Ramp/ steps and associate wall/ handrails

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

Reason: In the interests of visual amenity.

- 5 Prior to the commencement of any superstructure works, a Wind Microclimate Assessment of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with any wind mitigation measures referenced in the assessment and retained thereafter to serve the approved development.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

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- 6 Notwithstanding the details shown on any approved plan, precise details of the location, extent, design and finish of all visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. Development shall take place in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 7 Prior to the beneficial occupation of the Class A3 unit, a method of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reason: To prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 9 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority and shall include details of the Green Infrastructure which must ensure compliance with 0.4 green space factor score. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 10 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 and a detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.



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### Item 2 (Cont'd)

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- 11 Prior to the commencement of any superstructure works, and notwithstanding the details indicated, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out public realm improvements along the site frontage to John Street and Jockey Street and including enhancements to the pedestrian access to the site from New Cut Road. The approved scheme shall be completed prior to the beneficial use of the development.

Reason: In order to enhance the character and appearance of the area and in the interests of pedestrian safety.

- 12 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoardings;
- e) wheel washing facilities;
- f) measures to control the emissions of dust, dirt and noise during demolition and construction;
- g) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- h) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

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

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

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

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- 15 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 16 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.
- 17 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and by verified by the appropriate testing methodology upon completion.  
Reason: To protect the proposed residential use against noise emanating from the commercial activity on the ground floor.
- 18 Prior to occupation of any part 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 exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.  
Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.
- 19 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.  
Reason: To protect the existing and proposed residential uses against noise from building services plant.

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- 20 Prior to the commencement of development a Phase 2: Detailed Investigation shall be submitted which shall: Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in the Patrick Parsons Phase 1 Report, mariner Street, Swansea (N16053) Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required. In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz: Phase 3: Remediation Strategy Options Appraisal this shall: Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

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

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

- 22 Prior to the commencement of any works on the site a Piling Assessment report shall be submitted to and approved by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.

Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.

- 23 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Refuse and Recycling Strategy for the lifetime of the development.

Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.

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24 Prior to the first beneficial occupation of the development, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall specify:

- a) The arrangements for the general maintenance and management of the site, including external amenity/ landscape space;
- b) The arrangements for servicing deliveries;
- c) The parking and traffic management incentives and arrangements, with particular reference to the beginning and end of term pick-up and drop-off arrangements;
- d) Measures proposed in relation to site safety and security; and
- e) The Procedures in place for minimising and managing community complaints, a point of contact for each academic year and full details of the community complaint procedures.

The development hereby permitted shall thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development.

Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.

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**LDP - ER6 - Designated Sites of Ecological Importance**

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

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

**LDP - ER8 - Habitats and Species**

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

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

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

**LDP - ER11 - Trees, Hedgerows and Development**

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

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

**LDP - RP10 - Sustainable Waste Management for New Development**

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

**LDP - T2 - Active Travel**

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

**LDP - T5 - Design Principles for Transport Measures and Infrastructure**

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

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**LDP - RC2 - Retail and Leisure Development**

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

**LDP - RP3 - Air and Light Pollution**

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

**LDP - PS1 - Sustainable Places**

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

**LDP - PS2 - Placemaking and Place Management**

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

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

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

**LDP - T1 - Transport Measures and Infrastructure**

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

**LDP - T6 - Parking**

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

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

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LDP - ER5 - Landscape Protection

Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

LDP - ER1 - Climate Change

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

### Site History

App Number	Proposal	Status	Decision Date
2017/2097/DOC	Discharge of conditions 6 (Landscaping) and 17 (Noise Impact Assessment) of planning permission 2016/3085/S73 granted 25th April 2017	SPLIT	22.12.2017
2018/2604/ADV	Retention of 5 flag signs	REF	01.04.2019
2020/0401/FUL	Construction of a single storey drive thru unit (Class A1) with 22 associated car parking spaces and landscaping works	PDE	

### Procedural Matters

This application has been called to Committee for decision at the request of Councillor Clive Lloyd.

### Description

The application seeks full planning permission for the construction of a freestanding drive through unit with associated access, car parking and landscaping on land to the north of Langdon Road, Swansea, adjacent to the existing McDonalds drive thru/restaurant and Starbucks drive thru/coffee shop. The vacant application site sits on the eastern side of Starbucks and is a relatively flat area of land, elevated above the level of Fabian Way.



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### Assessment of Immediate Area

The surrounding area is characterised by a mixture of uses, including several car dealerships, a McDonalds drive thru/restaurant and a Starbucks drive thru/coffee shop.

### Planning History

A planning application (2015/2223) for the erection of a detached tyre and auto-care centre and two detached units (Class A3) was approved by the Council on 7th June 2016 subject to a number of conditions relating to highways, ecology, landscaping and drainage.

The previous application (2015/2223) granted consent for two A3 units measuring approximately 93.1m<sup>2</sup> in footprint internally and 4m in height. The units incorporated a flat roof design and were proposed to be constructed from a mixture of facing brick, aluminium windows and aluminium clad roof. The tyre centre measures approximately 371.7m<sup>2</sup> in footprint and a maximum of 6.4m in height. Internally it was proposed to provide 5 vehicle bays, office, reception, waiting room, staff facilities and toilets. The tyre centre was proposed to be finished in brick and aluminium cladding.

### 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 the posting of a site notice within the vicinity of the application site.

Two letters of objection have been received which are summarised below:

- Initial planning consent for this area was refused - application A00/1035, due to the pedestrian access and increase in vehicle movements
- Traffic movement has doubled from 2016 to 2017. Further development in SA1 continues to increase traffic movement.
- The development is not sustainable with regards to LDP Policy RP1, PPW or the Future Generations Act

#### Dwr Cymru

Dwr Cymru Welsh Water responded with the following comments:

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

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### Condition

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

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

### Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

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

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

### Wales & West Utilities

Wales & West Utilities responded with the following comments:

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.

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

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

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

You must not build over any of our plant or enclose our apparatus.

### **Council's Drainage Officer**

The Council's Drainage Officer was consulted and responded with the following comments:

We have reviewed the submitted information and comment as follows.

We note the proposed drainage plan but we have significant concerns over the proposed layout, the infiltration basin is on top of an existing high bank above a major arterial road into Swansea, given the characteristics of the site there is a high risk that the site will discharge its surface water onto the adopted highway through the bank.

As this scheme is not acceptable to the SuDS Approval Body we must therefore OBJECT to the application pending the submission of an acceptable scheme. This is likely to require a substantial change in layout by moving the infiltration basin elsewhere within the site and re-designing the development around the SAB's requirements.

Schedule 3, Flood and Water Management Act 2010.

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

From 7 January 2019, all new developments more than 100m<sup>2</sup> 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.

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Which legislation are we referring to?

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

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m<sup>2</sup> or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email [Sab@swansea.gov.uk](mailto:Sab@swansea.gov.uk)

Further comments have been received from the Council's Drainage Officer:

We have reviewed the revised strategy which we consider more appropriate. The developer has submitted a full SAB application under reference 2020/0013/SFA where we are considering the detailed design. Accordingly we remove our objection to the application.

### **Council's Planning Ecologist**

The Council's Planning Ecologist was consulted and responded with the following comments:

Relevant document reviewed:

PEA, Bay Ecology, David Rees Feb 2020

Drainage Strategy - ARP Associates, drawing ref: 1506/31/SK01 Feb 2020 with revisions

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SuDS

Planning Policy Wales (Edition 10, 2018) clearly states that in fulfilling their Section 6 Duty, and under section 6.4.7, the LPA must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

We therefore encourage SuDS in developments to manage flood risk, surface water drainage and improve water quality, as well as providing amenity and biodiversity benefits.

It is noted that as part of the Drainage Strategy, an infiltration basin and swale with grass filter strip are shown on the plan.

However, I advise that the design of these shall incorporate the following objectives to enhance biodiversity and contribute to local, national and regional aims:

- Contribute to habitat connectivity and to the delivery of local biodiversity objectives
- Create diverse, self-sustaining and resilient ecosystems
- Support and protect local native habitats and species
- Plant with native marginal and emergent aquatic species and native terrestrial vegetation of local provenance to provide wildlife habitat and visual interest

With regards to the swales and biodiversity, considerations should include:

- Linking to existing wildlife corridors
- Providing a diverse range of plants that are suited to the specific conditions of a SUDS swale (tolerant of varying water levels, slight pollution, etc.).
- Planting in the swale or filter strip is essential to stabilise slopes, reduce erosion and slow water flows to aid sedimentation, as well as to provide some nutrient take up.
- Planting should be designed to establish quickly and water should not be allowed to flow in swales until the vegetation is established (or erosion protection is provided).

Infiltration basin

Infiltration basins can be planted with native trees, shrubs and wildflowers, to provide wildlife habitats and improve visual appearance. Although a grass filter strip is shown on the Drainage Strategy, this can be improved by replacing with wildflower turf and grass seeding.

Landscaping

Although it is acknowledged that planting of trees is proposed, it is advised that the use of other native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes to enhance the habitat for local birds and invertebrates.

This will improve ecological connectivity across the site and with other nearby habitats. The green verges should be planted with native and perennial wildflower species.

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### CONDITION:

Details of the proposed planting and landscaping scheme for SuDS features and wider landscaping of the site to provide biodiversity benefits shall be submitted to the LPA for approval prior to determination.

### Bats:

Please include the standard Bats Informative.

### Birds:

Please include the standard nesting Birds informative.

### Reptiles:

Please include the following informative:

Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

### Condition:

Pre-construction checks for any reptile species shall be undertaken by a suitably qualified Ecologist.

### Hedgehogs:

### Condition:

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

### Lighting strategy:

### Condition:

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site are not lit during the operation phases of the development shall be submitted to the LPA for approval. The strategy shall outline avoidance of impacts of lighting on bats and other nocturnal species. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin).

### Ecological Enhancements

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3,

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The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

Condition:

Before development works commence on site (if the scheme is approved), a scheme of Ecological Enhancement Measures shall be provided within or to the walls of the new buildings. These shall incorporate:

- i) 2 x sparrow terraces eg. Schwegler 1SP or similar shall be incorporated on the outside of the new buildings.

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

**Pollution Control Officer**

The Council's Pollution Control Officer was consulted and responded with the following comments:

I have the following comments to make given the adjacent residential properties in Bevans Row:

- Air Quality - from my understanding of the IAQM Land-Use Planning & Development Control: Planning for Air Quality, January 2017 the proposed development does not meet the criteria which would require an impact assessment;
- Odour - No development shall take place until a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied;
- Plant Noise - No beneficial use of the premises shall commence until a BS4142:2014+A1:2019. (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014+A1:2019. Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area;
- On-site Drive Thru- Traffic Noise: Construction of a 2m high acoustic barrier along the eastern boundary (see attached pdf) Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area;

**INFORMATIVES**

- 1 Construction Noise

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

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

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, section 60.

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

#### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

#### 3 Dust Control:

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

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

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

#### 4 Lighting

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

### Council's Tree Officer

The Council's Tree Officer was consulted and responded with the following comments:

The few small trees on site should either be retained or can easily be replaced within a suitable landscape scheme.

Tree planting should be incorporated in any approved scheme.

In the event of approval please could you condition a landscape scheme to include tree planting and detail of suitable tree planting pits.



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A landscaping scheme was subsequently submitted by the applicant and the Council's Tree Officer was re-consulted and responded with the following comments:

This is now much more suitable. No alterations required.

### Highway Authority

The Council's Highways Officer was consulted and responded with the following comments:

Site Location: Fabian Way, Port Tenant, Swansea, SA1 8LD

#### Background:

This site has been the subject of a number of planning applications, most recently and currently existing is the permission for 371 sqm of tyre and autocare use and two units of A3 use, totalling 186 sqm Reference 2015/2223.

The Highway Authority provided a full consultation response at that time and this has been used to formulate the response for this application.

#### Current Application:

The current applications seeks permission for one drive thru unit of 195 sqm with 26 parking spaces, of which 2 will be designated as blue badge spaces and 2 as waiting areas.

The key issue to be noted is that the original and extant permission considered a restaurant class for the two units, assessing them accordingly in traffic terms, whereas this application is for a drive through which is a more intensive traffic use.

A Transport Statement has been provided by Connect Consultants on behalf of Commercial Development Projects Limited to support the planning application this continues from the previous submission at the previous application.

The application site is a parcel of brownfield land located in the Port Tennant area of Swansea.

The site is bounded by Fabian Way to the north, Bevans Row to the east, Langdon Road to the south and a coffee shop and fast food drive through to the west. The site is located approximately 1.5km from junction 42, linked to the site by the A4067 and A48.

The previous layout has changed and therefore comments made relate directly to the current layout, although it should be noted that originally the Highway Authority had concerns over any proposals for a shared access with the adjacent coffee shop site.

National cycle network route 4 runs to the north of the site along Fabian Way, this predominantly traffic free route links to other segregated routes between Swansea and Ystradgynlais to the north. The site has access to frequent bus services running along Fabian Way with bus stops generally located within or around the 400 metres recommended walking limit.

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Access to the site is proposed, as permitted previously, directly off Langdon Road and shown as a priority junction. The planning statement submitted states that the access arrangement will be left in and left out, the Transport Statement suggests an all movement junction. This issue will need clarification.

#### Traffic Generation:

The traffic analysis carried out with the submitted Transport Statement has considered this proposal as new with no extant permission. However, as set out in this consultation response there is a distinct difference in traffic generating capabilities between the previous and proposed use. It is therefore pertinent to compare the level of traffic between the two.

The previous Transport Statement concluded that the total traffic generation from the site (all land uses) would be 7 two way movements in the AM peak, 14 two way movements in the PM peak and 19 two way movements in the Saturday peak.

The current proposals for a Drive Thru use confirm that the forecast traffic generation would be 46 two way movements in the AM peak, 51 two way movements in the PM peak and 132 two way movements in the Saturday Peak.

This is clearly a significant intensification of traffic activity in terms of the unadjusted traffic figures.

Due to the location of the site in close proximity to the other uses in the area it is likely that not all these trips will be new, and a certain percentage will be 'linked' trips, passby trips diverted and transferred trips.

With regards to the above, the previous application suggested that the A3 uses will consist entirely of diverted and pass-by traffic during network peak hours. The email dialogue between the Highway Authority and the planning consultant which followed the application submission confirms that this was not accepted and that there would still be a percentage of new trips. Furthermore, given the sites location adjacent Fabian Way, passby trips were the only real discount that could be applied given that diverted trips and transferred trips could not occur without being classed as new trips at this location. The discussions were linked to the calculation of the Section 106 Contributions, which was resolved. The end of the discussions saw the applicant team agree to an increase in what was considered new trips.

The current application has set out an assumption that 80% of traffic is diverted from the nearby road network, 10% is linked to the adjacent facilities and 10% is passby traffic with no new trips. As set out above, this would not be considered acceptable and any assumptions such as this would need to be clearly evidence, including what the nearby road network comprises.

#### Access, Circulation and Parking:

There are a number of concerns with the current submitted layout and these will need to be resolved. The access arrangements should demonstrate appropriate visibility and also confirm the movements i.e. all movements or left in and left out.

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The swept path assessments indicate that the delivery vehicle cannot negotiate the turn into and out of the site without crossing to the other side of the access road carriageway. This would not be accepted in the interest of public safety. The assessed vehicle is set at a 7.5 tonne box van at 8.0 metres length, this is smaller than normally used to serve such facilities, further evidence will be needed to confirm that this would be appropriate. The commercial parking bay may benefit from a longer taper into the drive through.

Further swept path analysis are considered to be required to demonstrate that the waiting bays can be accessed and exited from, including where a space is already occupied. A refuse collection strategy should also be shown, using the Swansea specification of a Phoenix Duo 2 vehicle, if onsite collection is required, the current layout is unlikely to be adequate.

There are no pedestrian facilities to access the site, no connection from the highway or any dedicated routes and crossings within the layout.

There is a current proposal to construct a shared cycle and footpath adjacent Langdon Road, the proposals will be required to design to future proof and link into this scheme. This route will, in the near future become a principle route to and from the Bay Campus.

The parking provision seems to be of similar scale to that which was proposed as part of the consented scheme for three units.

With reference to the parking SPG, the initial observations would be that:

Sheltered cycle and motorcycle parking seem absent from the layout, these will be required.

The blue badge spaces will be required to be set out as 2.4 metres by 4.8 metres with a 1.2 metre marked buffer on three sides. Those shown within the layout are not compliant.

All standard parking spaces will be required to be provided at 2.6 metres width by 4.8 metres length.

We would strongly encourage provision for electric charging points at designated parking bays.

As set out before a delivery management plan will be required by condition to ensure that the servicing/deliveries are appropriately managed.

**Section 106 Contributions:**

As discussed in detail in the previous application, developments on Fabian way are contributing to a programme of works. Contributions will be required from this development, although it is not possible to determine the amount until such time that the traffic assessments are updated and considered adequate.

In review of the proposals and the layout submitted, the Highway Authority cannot support the application in its current form. Whilst the Authority does object to the proposals, it reserves the opportunity to include appropriate conditions, should the applicant progress or be successful through planning. Conditions will be required to ensure that:

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- a) The new site access junction to Langdon Road shall be constructed under a section 278 agreement with the Highway Authority, at the applicants expense.
- b) Development not being occupied until the Section 106 contribution has been received.
- c) The development not coming into beneficial use until the car park has been completed in accordance with the approved plan.
- d) The front boundary along the Langdon Road access to be kept below 600mm in the interests of visibility.
- e) The disabled parking provision to be laid out to the current British Standard.
- f) The cycle parking shall be implemented in accordance with details to be submitted to the LPA prior to beneficial occupation.
- g) Motorcycle parking shall be implemented in accordance with details to be submitted to the LPA prior to beneficial occupation.
- h) The submission of a Delivery Management Plan to the LPA to ensure that the proposed site layout will not be compromised with deliveries resulting in overspill out onto the highway, to be implemented prior to beneficial occupation of any of the units.
- i) Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

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

Following these comments the applicant has submitted revised plans and swept path analysis. The Highways Officer was re-consulted and responded with the following comments:

Based on the recent plan submissions, the design and layout issues are considered to be resolved.

With regards to the Section 106 Contribution, this was discussed with my fellow officers today and we have reached an internal agreement. It is confirmed that there is no support to accept a lower figure in terms of what could be considered 'new' trips for the development. We would resist this and any other development which seeks to reduce this value to below what CCS considers to be reasonable limits. However, in terms of the S106 Contribution, there is a willingness to work with the developer on this particular scheme, given the application history and similar adjoining land uses.

The Section 106 calculations have been based on 10% new trips against a historic previous land use consent. The calculations submitted in our recent correspondence update the total request in line with current calculations. The applicant has, in response, requested calculations to be based on a 7.5% new trip value. The resulting calculations are that the £75k to £76k requested range could be reduced to £47,045.75. This figure is lower than the potential that could be requested but does allow modest uplift to factor in a now more intensive use and reflect the passing time since previous consent.

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On the basis that the above is accepted, that this does not constitute an agreement to a lower acceptable new traffic impact level, we have resolved to agree a way forward on the amount suggested (£57,045.75).

### **Main Issues**

The main issues for consideration relate to the acceptability of the proposed land use when assessed against the provisions of adopted Development Plan Policy as well as the visual impact, impact on highway safety, ecology, drainage and residential amenity. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Principle of Use**

Planning Policy Wales indicates that when determining planning applications for retail, leisure or other complementary functions they should best be located in established town, district local and village centres. Where a need is identified for such new developments, local planning authorities should adopt a sequential approach to the selection of sites, the first preference should be to town centre locations, and if not available then consideration should be given to appropriated edge of centre sites.

This site is part of the strategic policy allocation SDK within the Local Development Plan. SDK is allocated for mixed commercial, residential (525 dwellings) and employment development. The site includes a range of existing mixed commercial, residential and employment areas. The wider surrounding site has largely been developed for bulky goods sales, motor vehicle showrooms and the drive thru McDonalds and Starbucks.

Policy RC2 of the Local Development Plan states retail and leisure proposals must in the first instance assess the suitability of sites and premises within the City Centre, District Centres and Local Centres. The applicants have submitted a sequential test to indicate whether there are any other sequentially preferable sites for the proposed development. It was concluded that there are no viable sites within the Port Tennant or Marina area in which the proposed development could be located given the nature of the proposal.

The drive thru Greggs is a Class A1 use and the scale of this use is intended to complement rather than compete with other uses within the city centre or district centres. Moreover, it is argued that the layout and accessibility requirements of a drive thru facility cannot readily be provided within a traditional city or district centre and as such there are no sequentially preferable sites within or on the edge of the city centre suitable for this form of development. It is considered therefore that the construction of the drive thru at this location would not unacceptably conflict with the prevailing development plan policy.

In addition, given that there is an extant planning permission on this plot of land for the erection of a detached tyre and auto-care centre and two detached units (Class A3) it is considered that the principle of this type of development in this location is acceptable.

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### **Visual and Residential Amenity Impact**

In terms of visual amenity, the design and external appearance of the drive thru building is contemporary with a quality, size and appearance which is considered commensurate with other buildings along this section of Langdon Road including several car dealerships, McDonalds and Starbucks.

A further relevant criteria of Policy PS2 is that new development accords with placemaking principles which should ensure that development does not result in a significant detrimental impact on local amenity by reason of visual impact, privacy, disturbance and traffic movements. At present the nearest residential properties to the site are to the east along Bevans Row. It is not considered that the proposal will adversely affect the residents of Port Tennant on the basis of the distance and intervening features such as Fabian Way. The Head of Pollution Control has raised no objections to the proposals and has recommended planning conditions to control ventilation and fume extraction in order to provide a measure of protection to residents in Bevans Row in particular.

Policy PS2 of the Local Development Plan requires new development proposals to enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute towards a sense of place. Policy PS2 also requires that new development provide an accessible environment for all, ensure neighbourhoods benefit from an appropriate diversity of land uses and provide satisfactory parking and circulation areas. It is considered that the proposal would provide acceptable access facilities for a development of this nature and would accord with the provisions of Policy PS2.

### **Responses to Consultations**

It is considered that the objections raised have been suitably addressed in the main body of this report.

### **Ecology**

The applicant has submitted a Preliminary Ecological Appraisal (PEA) in support of the application. The PEA determined that there are a limited range of habitats within the site and that the site could potentially be utilised by nesting birds, foraging and commuting mammals and isolated populations of common reptile species. The Council's Ecologist was consulted and has suggested a number of conditions and informatives which have been incorporated into this decision, where necessary and relevant to ensure that the proposed development does not have a negative impact upon ecology.

### **Highway Safety**

A Transport Statement has been provided by Connect Consultants to support the planning application.

Concerns were originally raised by the Head of Transportation and Engineering with regards to the proposed development due to the car parking arrangement and lack of pedestrian facilities.

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The applicant has provided additional information in the form of swept path assessments, amended plans indicating pedestrian provision and the relocation of car parking spaces. The disabled bays and waiting bays are of appropriate sizes as are the standard car parking spaces. The applicant has also included a hatched out area which, as demonstrated on the swept path analysis, will allow for delivery vehicles to access and turn within the site without having to use car parking spaces.

The pedestrian facilities, cycle provision and proximity to bus services mean that the site is likely to appeal to visitors utilizing a number of different modes of transport and there are alternative forms of transport provision available apart from a car to visit the site.

This has alleviated the concerns raised by the Head of Transportation and Engineering and conditions have been suggested in order that the proposed works are carried out in accordance with the details provided. As such the proposal is considered to respect highway safety, provide sufficient parking spaces for the public and subject to a Section 106 agreement will mitigate the potential increase in capacity along Fabian Way.

In terms of the Section 106 regard has been given to The Community Infrastructure Levy Regulations (2010) which came into effect in 2010 and specifically Regulation 122 of these regulations which sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; and c) Fairly and reasonably related in scale and kind to the development. In this instance the Section 106 which will provide for a financial contribution to fund improvement works to the highway network is necessary in view of the vehicular movements that will be created from the development and impacts arising to the highway network.

In addition, whilst the proposed unit is aimed more at drive throughs it can be argued that the proposed development will have less of an impact on the highway network and surrounding area when compared to the previous scheme (application 2015/2223 refers). The previous scheme allowed for a detached tyre and auto care centre and two separate A3 units. The general comings and goings from these three separate units would likely have been significantly higher than from the one standalone unit that is now proposed. Furthermore, within the current scheme the appropriate pedestrian provisions have been provided along with car parking spaces and cycle storage which will be conditioned. It is therefore considered that the proposed development will link appropriately to the existing highway network and it is considered that it will have less of an impact when compared to the previously consented scheme at this location.

### **Landscaping**

The applicants have submitted a landscape plan which is considered appropriate for the site and no concerns regarding this landscape plan have been raised by the Councils Tree Officer.

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### Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed development represents an appropriate and sustainable form of development in this location that will not have a significant impact upon the visual and residential amenities of the area, highway safety, drainage and ecology, in accordance with the provisions of the Policies of the Swansea Local Development Plan.

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

### RECOMMENDATION

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

- **Payment of a financial contribution of £57,045.75 towards the Fabian Way programme of works to be paid prior to the beneficial occupation of the proposed development.**
- **Section 106 Management & Monitoring fee (calculated at 2% value of the obligation) 2% of £57,045.75 = £1140.91**

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies T1, PS2 and IO1 of the Swansea Local Development Plan 2010 - 2025**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: (PL-)01 site location plan, (PL-)04B proposed plans & elevations, received 26th February 2020. 1506/31/SK01 A drainage strategy. TDA.2540.01 detailed soft landscape proposals, received 4th May 2020. (PL-)03H proposed site plan, received 7th August 2020.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.



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- 3 The development shall not be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 4 The site shall be landscaped in accordance with TDA.2540.01 detailed soft landscape proposals, received 4th May 2020. 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 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.
- 5 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.
- 6 No development shall take place until a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained in perpetuity.  
Reason: To ensure that a statutory nuisance does not occur.
- 7 No beneficial use of the premises shall commence until a BS4142:2014+A1:2019. (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014+A1:2019.  
Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.
- 8 Prior to the commencement of development an overall lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Lighting associated with the development shall thereafter take place in accordance with the approved lighting strategy.  
Reason: In the interests of ecology.

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- 9 No development shall take place until full details of ecological enhancement measures in the form of bat and bird boxes across the development site, including the installation of 2 x sparrow terraces (Schwegler 1SP or similar) to the walls of of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be fully provided as part of the development and no later than 6 months following completion of the development. The measures shall thereafter be retained as such in perpetuity.

Reason: In order to mitigate for the loss of biodiversity at the site, providing for maintaining and enhancing the connectivity of ecological networks in line with the aims and requirements of policies ER 8 and ER 9 of the Swansea Local Development Plan and paragraph 6.4.3 of Planning Policy Wales Edition 10 (2018).

- 10 The development hereby approved shall not be brought into beneficial use until the car park has been completed in accordance with (PL-)03H proposed site plan, received 7th August 2020. The parking spaces shall be kept available for the parking of vehicles in perpetuity.

Reason: In the interest of highway safety.

- 11 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

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

- 12 Prior to the development being brought into beneficial use details of the proposed bicycle and motorcycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained in perpetuity.

Reason: In the interest of highway safety.

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- 13 Prior to the beneficial occupation of the building, full details of the proposed acoustic fence to the eastern boundary, as shown on plan nos. TDA.2540.01 detailed soft landscape proposals, received 4th May 2020 and (PL-)03H proposed site plan, received 7th August 2020 shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall thereafter be retained as agreed in perpetuity.  
Reason: In the interests of residential amenity.
- 14 The premises shall be used as a retail bakery (Class A1) and for no other purpose (including any other purpose in class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, ER1, ER2, ER5, ER6, ER8, RP3, RP4, RP10, T1, T2, T5, T6.
- 2 From 7 January 2019 the Welsh Government enacted Schedule 3 of the Flood and Water Management Act 2010; all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with the document 'Statutory Standards for Sustainable Drainage Systems' published by Welsh Ministers. If your development meets the above criteria then Sustainable Drainage Approval will be required before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 4 Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).
- 5 All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, section 60.

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

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- 6 No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 7 During construction work the developer shall operate all best practice to minimise dust arising or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.  
  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 8 During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations
- 9 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).  
  
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 10 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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Item 3 (Cont'd)

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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).

- 11 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.

- 12 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 13 All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
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