

# Planning Committee – 7<sup>th</sup> February 2023

Item 1

Application Number:

2022/1438/S73

Ward:

Pontarddulais - Area 1

Location:

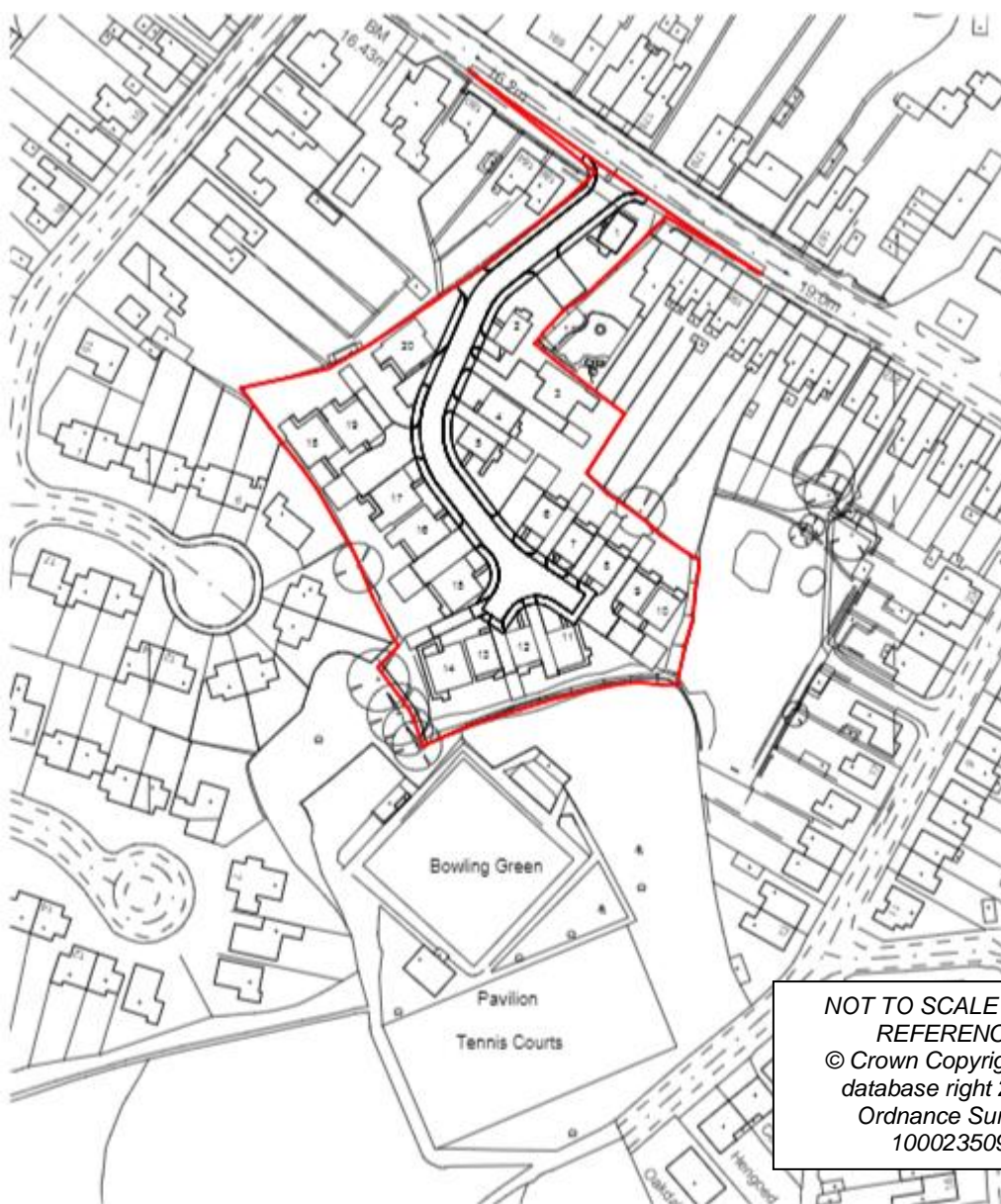
Land Formerly Known As The Gardens And Rear Of 188 St Teilo Street, Pontarddulais, Swansea, SA4 8LH

Proposal:

Construction of 20 no. detached dwellings, garages and associated access and landscape works, and demolition of No. 188 St Teilo Street (Variation of condition 2 of planning permission 2018/1014/FUL granted 5th March 2019) to allow for amendments to Plots 11 and 12 and new vehicle tracking and extended hammer heads.

Applicant:

Mr Phil Owen V & C Properties Ltd t/a MyTy Homes



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## **Background**

**This application is being reported to Planning Committee for decision as the original scheme was a major development and exceeded the 20 dwelling threshold and this proposal is an amendment to that approval.**

Planning permission was granted on 30th April 2020 for the construction of 20 no. detached dwellings, garages and associated access and landscape works, and demolition of No. 188 St Teilo Street, planning application 2018/1014/FUL, subject to a S106 contribution requiring the provision of affordable housing, a contribution towards education facilities and a contribution towards highway improvements.

At the time of the submission, the Adopted Unitary Development Plan was time expired, but was still the development plan for S38(6) purposes.

Under the UDP, there was no requirement for an affordable housing contribution at this location as the scheme was for less than 25 units.

The report prepared for committee required the following Section 106 contributions:

- a. An education contribution of £41,488 plus indexation for the English medium primary school (Pontarddulais), £20,744.00 plus indexation for the Welsh medium primary school (YGG Bryniago) and £47,544 plus indexation for the English medium Secondary school (Pontarddulais).
- b. A highways contribution of £15,000 to add a new pedestrian crossing phase across Alltiago Road at the nearby traffic signal junction.

The Local Development Plan was adopted on the 28th February 2019. Consequently, there was a material change in circumstance between the preparation of the report on the application and the Planning Committee meeting held on the 5th March 2019. Policy H3 of the LDP seeks a contribution to affordable housing where the proposal would provide 5 or more dwellings. As a result, the Council subsequently sought the provision of 3 affordable housing units on this site before finalising the report to enable consideration by the Planning Committee. The applicant agreed to this request.

In terms of the Affordable Housing contribution, the minutes of the Committee Agenda on 5th March 2019 stated:

"This proposal did not meet the Affordable Housing threshold of 25 dwellings within the UDP. However, the Adopted LDP has lowered this threshold to 5 units or more in this location and has set a threshold of 15% provision of Affordable Housing to be provided on site which would equate to 3 units. The applicant has been advised of this requirement, and agreed that the resolution be amended to include this provision within the S106 agreement. The Housing Enabling Team has indicated that the AH units need to be DQR compliant, and ask for 3 x 3 bedroom houses, to be transferred to the Council/Registered Social Landlord (to be determined/negotiated), social rented tenure. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units."

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It was resolved at Committee that planning permission should be granted for the development subject to a S106 contribution requiring the provision of affordable housing, a contribution towards education facilities and a contribution towards highway improvements.

Following the Committee decision, the applicant requested the terms of the proposed S106 agreement be amended to remove the requirement to provide the 3 affordable housing units. In order to support this request, an independent third party viability appraisal was undertaken. The conclusion of the viability appraisal was that the amount of overall contributions required was excessive for the site and that if the Affordable Housing contribution was to be provided, then the other Education and Highways contributions should be reduced or removed.

To this end, Planning Committee, on the 3rd September 2019, resolved to amend the proposed requirements of Section 106 agreement of the Town and Country Planning Act 1990 (as amended) to remove the affordable housing contribution.

The development has now commenced and is in the process of being constructed.

## **Site Location**

The application site is located within the urban area. The site measures approximately 0.76ha and would be accessed from St. Teilo Street and backs onto Glasfryn Road to the north west, Wyndham Close to the west and Coed Bach Park to the South.

## **Description of Development**

The current application proposes to amend plots 11 and 12, new vehicle tracking and extended hammerheads.

As approved, plots 12 and 13 have the same house type comprising of two-storey 4 bedroom dwelling houses. The dwellings incorporate a front gable roof feature, a ground floor bay lounge window and a pitched roof door canopy. Plot 13 will remain as approved however plot 12 seeks to change house type to a two storey gable fronted dwelling house like (similar to) approved at plots 7 and 10.

The house type at plot 11 would be amended to match plot 13 as outlined in the preceding paragraph, without the ground floor bay window.

In addition to the above, the following changes are also proposed:

- o Garage to plot 12 to be removed to provide additional amenity space;
- o Reduction in the width of driveway to plot 12 to 3.1m (to match other plots);
- o Realignment of boundary to plot 11 to the west (approximately 1m); and
- o Additional amenity space to be incorporated into plot 11.

A version of the 'Site Master Plan (Dwg. No: 0-00 Rev A)' indicated that a public footpath (in the south-east corner of the site) was no longer required. Clarification has been sought on this change and it is understood there was an aspiration originally to provide a public footpath for the future residents of the proposed housing development to Gwynfryn Road and Coed Bach Park, however an agreement could not be reached with the adjoining landowner.

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As such, the proposed public footpath was removed from the scheme. Importantly to the current application, the original approved planning permission did not deliver a public footpath and therefore there is no requirement to provide a public footpath in the current scheme.

## **Planning Policy**

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

### **Planning Policy Wales (11th Edition) 2021**

#### **Good Design Making Better Places**

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

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

### **Adopted Swansea Local Development Plan (2010-2025)**

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

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

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

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

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality.

Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers.

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

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

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

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation. Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

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

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

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ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted. Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

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

### **Supplementary Planning Guidance:**

The supplementary planning guidance documents: 'Planning Obligations', 'Placemaking Guidance for Residential Development', 'Car Parking Standards', and 'Development and Biodiversity' are also relevant to the determination of this application.

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents, namely 'Planning Obligations' and 'Car Parking Standards' were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process.

### **Consultations:**

#### **Local Highways Authority:**

#### **Original Comments:**

The Highway Authority has reviewed the submissions made within this application and note that the changes have been reported to be related to the S278 process and the design of a compliant turning head to accommodate a standard refuse vehicle.

Whilst there is some reported dialogue, it has not been confirmed in this application that the layout shown has been approved through the S278 process.

The detailed design requirements generally require a margin of safety around the turning manoeuvres where these are adjacent to pedestrian areas or buildings. It is not clear whether this is required to be demonstrated in this instance.

The layout submitted includes swept path assessments for both a private car and also a refuse vehicle, using the Phoenix 2 Duo, 10.2 metre vehicle type. These are appropriate assessments although the two overlaid in the same space makes it too difficult to audit. We would request that these are set out in two separate plans.

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The access of private drives into the turning head may prove difficult to design and ultimately construct given the angles of plots 14 and 13.

It is understood that the garage for plot 12 is to be removed and replaced with a third parking space on the driveway. Whilst triple driveways are generally discouraged, it is acknowledged that the consented layout did essentially show that, albeit one space was within a garage. Therefore, and in respect of the S73 related comments provided previously, there is unlikely to be an issue with this removal. However, we would raise a query that there is a space marked as 2.5m in width.

The SPG requirement is for 2.6m width, it is also noted that the full drive appears to be 3.1 metres wide and separate path to the front door included. To avoid confusion, it may be advised to remove the reference to 2.5 metres. It is assumed that the parking provision for plot 11 is located alongside and to the right, as before? It could be useful to confirm this in a similar way to plot 12.

The notes around the blue hatching advises that the public footpath connection is no longer required and the area now reclaimed for plot 11. We have not been able to find more information on the reason for the removal, this would need to be explained within the application.

### **Amended comments:**

The Highway Authority has reviewed the additional submissions made within this application. It has been confirmed that the internal site carriageway will not be a candidate for adoption. The route is to be privately owned and maintained beyond the extent of the S278 works.

There has been meaningful progress to resolve the queries raised by the Highway Authority within the submission of additional information. This response considers the information received and whether there are any outstanding concerns.

The turning head has been modified to accommodate an appropriately sized refuse vehicle, and a set of clear swept path analyses have been submitted. The results of the analysis suggest that the refuse vehicle could potentially turn within this head, although this is considered borderline and would not satisfy the margin of safety required for an adoptable route.

The Highway Authority previously requested clarification on the assignment of driveway spaces and this has been provided. The reallocation of space from the potential footpath connection to assign it to a plot has been explained in more detail and this is accepted.

There was advice given to the applicant on the potential complexity of designing driveway angles as shown.

As set out at the start of this response, it was confirmed that the internal site carriageway will not be offered for adoption. The internal layout is to be kept as a privately owned and maintained route beyond the extent of the S278 works. On this basis, and that all other issues have been appropriately addressed, it can be confirmed that there are no remaining issues that would require an objection to be raised by the Highway Authority.

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**Lead Placemaking and Heritage Officer:**

**Original comments:**

Since the approval of the previous scheme in 2019 the updated Placemaking Guidance for Residential Developments was adopted in October 2021.

The proposal is to alter plots 11 and 12.

In terms of plot 12, the proposal appears to be to substitute a similar but simplified house type to that previously approved. The amended house type retains the gable above front window but removes the ground floor bay. It is not clear if bays are still proposed on other approved houses such as the adjacent plot 13?

There is a complete change of house type proposed for plot 11. The approved layout has a shallow plan wide fronted house type to achieve 10m separation to the rear boundary. This shallow plan house type is also approved on plots 1, 2 and 5. The proposal is to substitute a narrow fronted deep plan house type with gabled frontage as approved for other plots. There may be an issue with the proximity of the rear elevation of plot 11 to the boundary. Furthermore the 'usability' of the triangular garden to plot 11 needs to be assessed by the case officer with respect to paragraph K.16 of the Placemaking Guidance for Residential Developments SPG. The additional tree survey provided with the original application shows a number of mature trees off site to the rear of plot 11 so there may be garden shading issues in the proposed amended layout for this plot.

There is no materials condition on the approved scheme - the approved elevations for all house types look to show recon stone cills whereas the current s73 proposals appear to show brick cills. Therefore this needs to be checked against the approved plans.

Are there SUDs requirements for these amended plots?

**Amended comments:**

It is noted that the house types now match others approved on this site and the amenity areas have been increased/ clarified.

Therefore there are no further placemaking comments on this s73 application.

**Education Services Unit:**

**Review of the effect on Catchment Schools of Proposed Development:**

1. **Planning Application:** Land formerly known as The Gardens and rear of 188 St Teilo Street, Pontarddulais, Swansea SA4 8LQ. Ref: 2022/1438/S73 - Full application for construction of 20 No. detached dwellings, comprising of 17 No. 3 bedroom and 3 No. 4 bedroom houses.
2. Catchment Schools, capacity and projected capacity:
  - 2.1 The development is in the **Pontarddulais Ward**, and the catchment schools are:



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	Catchment schools	Number of unfilled places January 2022	%
English Medium Primary	<b>Pontarddulais</b>	21	5.41%
English Medium Secondary	<b>Pontarddulais</b>	6	0.71%
Welsh Medium Primary	<b>YGG Bryniago</b>	55	24.77%
Welsh Medium Secondary	<b>YG Gwyr</b>	165	12.96%

3. **Demountables:** YG Gwyr has 1x single demountable and 3x double demountables.
4. **SPG Pupil Generation:**

	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
<b>WM 25.51%</b>			<b>25.51%</b>		<b>74.49%</b>	
Primary	6.2	£93,620.00	2	£30,200.00	5	£75,500.00
Secondary	4.4	£101,516.80	1	£23,072.00	3	£69,216.00
Post 16 provision	0.8	£19,814.40	0	£00.00	1	£24,768.00
<b>Total</b>	<b>11.4</b>	<b>£214,951.20</b>	<b>3</b>	<b>£53,272.00</b>	<b>9</b>	<b>£169,484.00</b>

5. **Existing Commitments:**

School	Pupil numbers	PA number	PA – Description
<b>Pontarddulais Primary</b>			
	5	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	12	2018/2629/FUL	Land off Coed Bach Road
	<b>17</b>		
<b>Pontarddulais Comp</b>			
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	4	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	8	2018/2629/FUL	Land off Coed Bach Road
	9	2018/2720/FUL	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ
	18	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
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<b>YGG Bryniago</b>	0	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	1	2009/1435 & 2017/1342 & 2020/0434	Land to side of 28 Christopher Rise, Pontlliw (The Poplars)
	2	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	1	2014/0546 and Goppa 2021/1255	Land between Nos. 58 / 76 Road, Pontarddulais
	4	2018/2629/FUL	Land off Coed Bach Road
	<b>8</b>		
<b>YG Gwyr</b>			
	2	2009/1900	Former Walkers Crisp Factory
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	2	2014/1192	Hendrefoilan Student Village
	1	2014/1201 and 2020/0661	Land either side of Goole Road, Ravenhill.
	1	2016/3619	Land at Ffordd yr Afon
	2	2017/0986	Former Council offices, Penllergaer. (Civic)
	1	2017/1948	Land Off Summerland Lane, Newton
	1	2017/2709	Land off George Manning Way, Gowerton
	1	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	1	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	1	2018/2580/FUL	Land off Pennard Road, Pennard, Swansea
	3	2018/2629/FUL	Land off Coed Bach Road
	1	2018/2634/FUL	Land off Higher Lane, Thistleboon, Swansea
	1	2018/2698/FUL	Townhill Campus, Townhill Road, Cockett SA2 0UT
	1	2018/2720/FUL	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ
	4	2019/0911/S73	Land West of Gower View Road & North of Brynafon Road, Penyrheol
	2	2020/0343/FUL	Land North of Chestnut Avenue, West Cross, Swansea
	5	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	1	2020/2357/FUL	Pencefnarda Farm, Pencefnarda Road, Gorseinon, Swansea SA4 4FY
	2	2022/0249/FUL	Land Formerly Part Of Olchfa School Aneurin Way Sketty Swansea SA2 7AA,
	2	2022/0229/PRE	Land Off Brynafon Road Penyrheol
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6. **LDP Candidate sites impact:**

School	Potential number of units	Est Pupil numbers based on SPG
Pontarddulais Primary	800	248
Pontarddulais Comprehensive	3390	746
YGG Bryniago	% of above and other developments	
YG Gwyr	% of above and other developments	

7. **Position of capacity:**

7.1 **Primary:**

7.1.1. **English medium:** the EM primary school (Pontarddulais Primary) currently has 21 unfilled places (5.41%).

7.1.2. **Welsh-medium:** the WM primary school (YGG Bryniago) currently has 55 unfilled places (24.77%)

7.2. **Secondary:**

7.2.1. **English medium:** the EM secondary school (Pontarddulais Comprehensive) currently has a surplus capacity of 6 places (0.71%)

7.2.2. **Welsh-medium:** the WM secondary school (YG Gwyr) currently has a surplus capacity of 165 places (12.96%)

8. **Requested Contribution:**

8.1. **Primary:** There is a request for a developer's contribution of £75,500 for English medium primary education at Pontarddulais.

There is no request for a developer's contribution for Welsh medium primary education at YGG Bryniago as there is sufficient surplus capacity in the school to accommodate the pupil numbers generated by this development.

8.2. **Secondary: A full developer's contribution of £69,216.00 is being requested for the EM secondary school Pontarddulais Comprehensive.**

There is no request for developer's contribution for Welsh medium secondary education at YG Gwyr as there is currently sufficient capacity in the school to accommodate this development.

8.3. It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments.

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If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

### **Trees/Hedgerows:**

No objection.

### **The Coal Authority:**

It is noted that this current submission is for variation of Condition 2 of the planning permission granted. On the basis of our previous comment I can confirm that the Planning team at the Coal Authority have no specific comments to make.

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

We offer no objection to the application for variation of condition 2 on permission 2018/1014/FUL, to allow for amended house types, subject to maintenance and compliance with the requirements of condition 4, as approved under details reserved by 2021/2125/DOC.

### **Drainage:**

The applicant should ensure that any design changes do not affect any approved drainage design.

### **Natural Resources Wales:**

We have no comment of the variation of condition 2,

### **Neighbour comments:**

The development was advertised on site with a notice (dated 4th July 2022) and the application was also advertised in the Press on the 7th January 2019. 21 residents on Y Gerddi, St Teilo Street, Glasfryn and Wyndham Close were also consulted on the 11th July 2021.

ONE LETTER OF OBJECTION was received which is summarised as followed:

1. Garage plot 17/18 overlooks my garden and seems to be raised significantly. The ground level has been raised making the garage very tall (approx 1.5 meters above my 6 foot fence without roof applied). I do not believe this complies with the planning permissions granted.
2. Due to raised grounds, I believe water will drain into my garden during periods of heavy rain.
3. The bungalows to the left and right of garage 17/18 will directly overlook my garden/house and invade my privacy.

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### APPRAISAL

#### Main Issues

The main issues to consider in the determination of this application relate to the impact of the changes to the original proposal on the visual and residential amenity of the area and highway safety having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance.

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

#### Section 73 Procedures

As a Section 73 application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and

- a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) If they decide that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

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

An application under Section 73 may only be made where the original permission is still live. Where an application has expired, a fresh application for planning permission is required and the Authority would not be restricted to considering the conditions only. Case law has established however that determination of a S73 application beyond the expiry of the application can be made, provided the application was made prior to the expiry of the application. In this instance the application was received within the required time period.

#### Placemaking/ Visual Impact

As approved, plots 12 and 13 have the same house type comprising of two-storey 4-bedroom dwelling houses. The dwellings incorporate a front gable roof feature, a ground floor bay lounge window and a pitched roof door canopy. Plot 13 will remain as approved however plot 12 seeks to change house type to a two storey gable fronted dwelling house like approved at plots 7 and 10.

Plot 11 would be amended to match plot 13 comprising, as outlined in the preceding paragraph, a two-storey 4-bedroom dwelling house with a gable roof feature and a pitched roof door canopy.

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The ground floor bay lounge window would not however be a feature. Whilst the loss of the ground floor bay window arguably dilutes the overall design standard of the scheme, the gable roof feature and pitched roof door canopy would be retained to ensure the development is sympathetic to the local character.

In addition to the above, the following changes are also proposed:

- o Garage to plot 12 to be removed to provide additional amenity space;
- o Reduction in the width of driveway to plot 12 to 3.1m (to match other plots);
- o Realignment of boundary to plot 11 to the west (approximately 1m); and
- o Additional amenity space to be incorporated into plot 11.

A streetscene elevation has been provided which demonstrates that the proposed amendments are acceptable in terms of their impact upon the appearance of the proposed housing development and will not have a detrimental impact upon the visual amenity of the area.

As such the application is considered to be acceptable and complies with Policy PS2 of the Swansea Local Development Plan (2010-2025) and the SPG - Placemaking Guidance for Residential Development (2021).

### **Residential Impact**

The proposed change of house type at plot 12 would retain a separation distance of 10m between the proposed first floor habitable room and the rear garden boundary. Therefore, the level of amenity for the future occupiers remains adequate. The change in house type would also be wider by approximately 650mm than the approved scheme (and marginally set back <250mm), and built off the plot boundary with plot 13. These changes however would have a neutral impact on the residential amenities of the future occupiers of plot 13, comparable to the approved scheme. Furthermore, there would be no habitable room windows on the side elevation which bounds plot 13.

The proposed change of house type at plot 11 would result in the built form being moved away, and a greater separation distance achieved, between plot 11 and the front elevations of the proposed dwellings at plots 9 and 10. However, the separation distance is reduced between the rear elevation of the amended house type at plot 11 and its rear boundary, to approximately 7 metres overall. A minimum separation distance of 10m is usually required to protect the residential amenity of neighbouring properties in respect of overlooking/loss of privacy impact.

In this instance, the rear boundary of plot 11 is adjacent to woodland within Coed Back Park, rather than existing residential development where such requirements are applicable. Therefore, the changes to the housing type at plot 11 would not result in any unacceptable overlooking/loss of privacy impact to any existing occupiers of neighbouring properties.

Additional amenity space is proposed to be incorporated into plot 11 to compensate for the loss of garden, which would ensure that the dwelling has adequate private useable amenity space for the future occupiers.

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In view of the above, it is not considered that the proposed changes would have an unacceptable impact on the residential amenities of local residents or future occupiers of the proposed residential development.

### **Highway Safety/ Active Travel**

Following comments from the Local Highway Authority in respect of the original layout, amended plans were submitted during the course of the planning application. The following amendments were proposed:

- o The turning head adjusted to accommodate a standard refuse vehicle to correspond to the s278 highway works;
- o Extension of hammerheads to ensure safety around the turning manoeuvres where these are adjacent to pedestrian areas or buildings; and
- o Swept path assessments for both a private car and also a refuse vehicle.

The Local Highways Authority has confirmed that the internal site carriageway will not be offered for adoption. The internal layout is to be kept as a privately owned and maintained route beyond the extent of the S278 works. On this basis, and that all other issues have been appropriately addressed, it can be confirmed that there are no remaining issues that would require an objection to be raised by the Highway Authority.

Therefore, it is considered, subject to the conditions as per the original consent and the applicant entering a new Section 106 Planning Obligation to deliver new transport improvement through a financial contribution towards a new pedestrian crossing across Alltiago Road at the nearby traffic junction to improve pedestrian access to the local school, that the proposal would have an acceptable impact on the safe and efficient operation of the transport network.

### **Education**

The Education Services Unit has requested a contribution of £75,500 for the English medium primary school (Pontarddulais). There is no request for a developer's contribution for Welsh medium primary education at YGG Bryniago as there is sufficient surplus capacity in the school to accommodate the pupil numbers generated by this development. A full developer's contribution of £69,216.00 is being requested for the English medium secondary school Pontarddulais Comprehensive.

The Education Services Unit has clarified that the number of unfilled places and existing commitments have changed since the original submission, as would be expected over a 4-year period

The number of pupil places requested due to the impact of the development has changed slightly between 2018 and 2022 and this is due to the percentage of pupils changing opting for Welsh Medium.

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The 2018 request was 4 English Medium primary places, 2 Welsh Medium primary places and 3 English Medium Secondary places. The 2022 request was for 5 English Medium primary places (due to the change in percentage in the area opting for Welsh Medium). No request for Welsh Medium primary or secondary places as there is considered to be sufficient capacity in these schools to take the increase in pupil numbers from this development (as 2022). There was no change in the pupil yield from the development for the English Medium secondary.

The main change is the cost per pupil. The Education Services Unit has advised that the cost per pupil had not been updated since 2007 when the SPG 'Planning Obligations' was adopted. Therefore updates were drafted in 2020 (November) with the accumulated indexation from 2007 to ensure the cost per pupil place was more fairly reflected. However the Education updates to the 'Planning Obligations' SPG in 2020 have not been subject of public consultation and stakeholder engagement and thus have not been formally adopted by the Council.

The requested contribution for the original planning permission granted in April 2020 was £109,776 plus indexation. This figure has increased to £144,716 plus indexation for the current proposal.

Consideration is also required of whether a request for additional financial contribution towards education provision would satisfy the tests highlighted in the Welsh Office Circular 13/97, 'Planning Obligations'. In this instance, the proposal would not provide a net increase in bedrooms or dwellings overall and is not materially different to the approved scheme. Therefore, the increased financial contribution requested is not considered to be fairly and reasonably related in scale and kind to the proposed development, as well as being reasonable in all other aspects.

As this application will effectively involve the issuing of a new permission, it would therefore be necessary for the applicant/developer to enter into a new legal agreement to secure the same contributions required by the original permission (2018/1014/FUL).

### **Ecology/ Green Infrastructure**

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

It is considered reasonable and necessary to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application in accordance with LDP Policy 9 and the adopted SPG document entitled 'Biodiversity and Development'.

### **Responses to Consultation**

The comments raised during the publicity exercise relate to the vicinity of Plots 17 and 18. This part of the development site is unaffected by the changes proposed by this application and is subject to separate enforcement investigation. As such, it is considered that the objector, in this particular instance, is not disadvantaged by the determination of this application.



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### Conclusion

In conclusion, it is considered that the proposals represent an acceptable form of development. The proposals would be acceptable in terms of visual amenity and residential amenity and would not result in any detrimental impacts upon highway safety.

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

### RECOMMENDATION

That the application be **APPROVED**, subject to the conditions indicated below and the applicant entering into a **Section 106 Planning Obligation** in respect financial contributions towards education provision and highway improvements.

- 1 The development shall be carried out in accordance with the following approved plans and documents:

Site Master Plan (0-00 Rev A), received on 24th January 2023.

Private access road turning head vehicle tracking (7334\_921 Rev 02), private access road vehicle tracking (7334\_922 Rev 02), private access road (7334\_723 Rev 03), private access road proposed road layout sheet 1 of 2 (7334\_722 Rev 03), dated 31st October 2022.

Location Plan (S\_00), Elevations (Plot 12) (7-1), Elevations (Plot 11), Streetscene (11- C Rev A PLOT 12-D), general arrangement 11 (1-1 Rev A) and general arrangement plot 12 (1-1), received on 3rd October 2022.

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

- 2 Any remedial works identified in the 'Intrusive Coal Mining Investigation & Risk Assessment' approved by the Local Planning Authority on 9th November 2021 (Ref: 2021/2453/DOC) shall be undertaken in accordance with the approved details and timetable.

Reason: To ensure the safety and stability of the proposed development.

- 3 The drainage strategy, approved by the Local Planning Authority on 22nd March 2022 (Ref: 2021/2125/DOC) shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water 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.

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- 4 The Construction Method Statement, approved by the Local Planning Authority on 30th September 2022 (Ref:2022/2456/DOC) shall be adhered to throughout the construction period.  
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.
- 5 The proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority prior to the first beneficial occupation of the development hereby permitted. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.  
Reason: In the interests of highway safety to ensure the streets are managed and maintained appropriately for the lifetime of the permission.
- 6 Full engineering, drainage, street lighting and constructional details of the streets proposed not for adoption shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the development hereby permitted. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of highway safety.
- 7 The garages shall be constructed in accordance with the plans approved by the Local Planning Authority on 10th February 2022 (Ref: 2022/0108/DOC) and retained for the parking of vehicles at all times.  
Reason: In the interests of highway safety and access.
- 8 Notwithstanding the provisions of schedule 2, part 1, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected to the rear of Plots 11-14.  
Reason: Due to the proximity of trees on the rear boundary, the Local Planning Authority wishes to retain control over development in the interests of the residential amenity of future occupiers.
- 9 The scheme shall be undertaken in accordance with the details included in Section 4.2 and Appendix 5 of the Bat Survey Report received on 7th January 2019, Sections 6 and 7 of the Reptile report received on 13th November 2018 and the Montbretia management Plan received on 13th November 2018.  
Reason: To ensure compliance with section 6 of the Environment (Wales) Act 2016, to ensure that the reptile population is protected during construction and for the avoidance of doubt.

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- 10 Prior to the first beneficial occupation of the development hereby permitted, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, T1, T6, RP4, RP5, RP7, ER6, ER8, ER9, ER11 and IO1.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainable Drainage> 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.
- 4 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain i.e. a drain which extends beyond the connecting property boundary or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement Water Industry Act 1991.

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](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.

- 5 The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
  - 6 The applicant is advised that to discharge condition 5 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
  - 7 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.
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