

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

Item 1

Application Number:

2020/0343/FUL

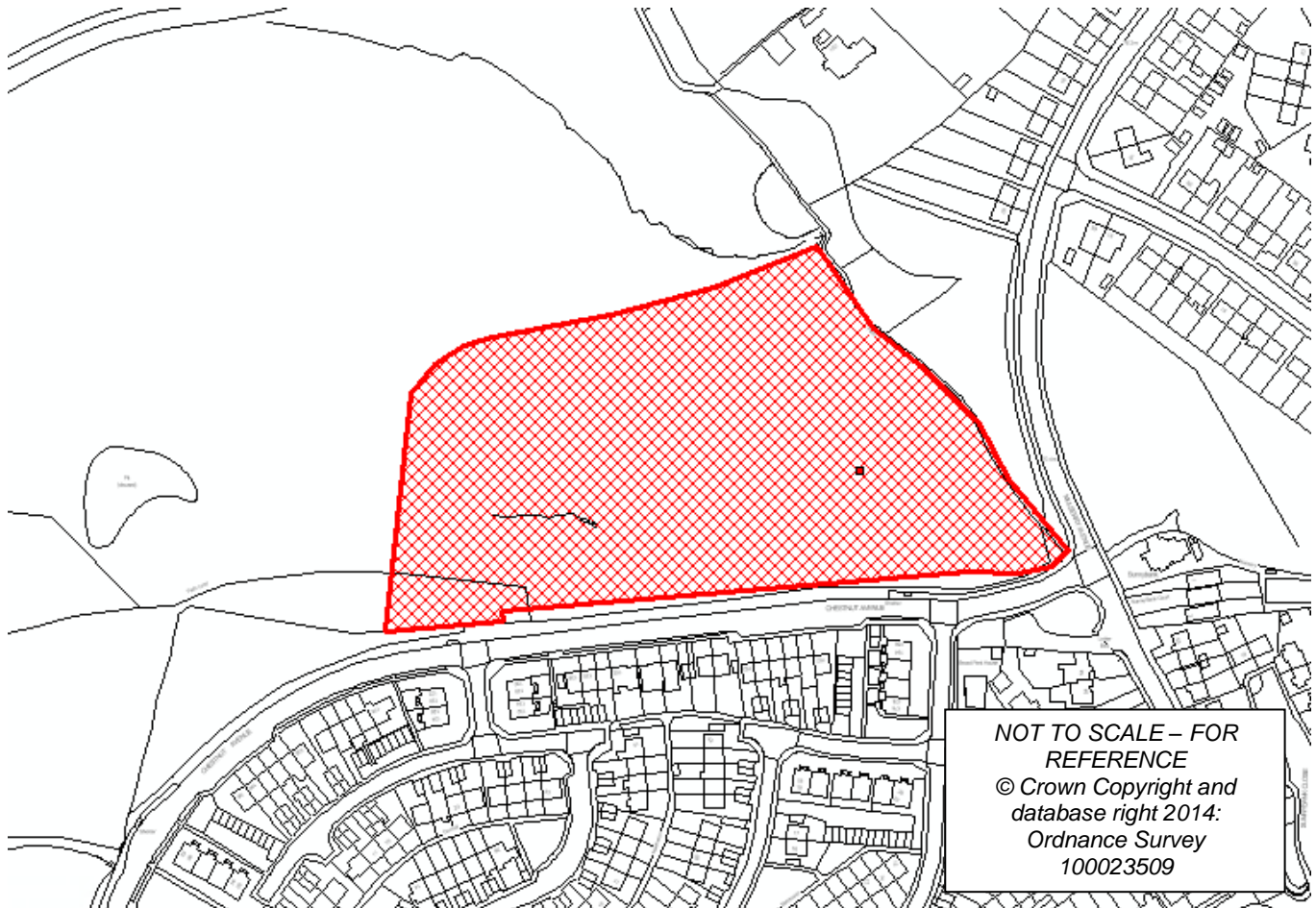
Ward:

West Cross - Bay Area

**Location:** Land North Of Chestnut Avenue, West Cross, Swansea

**Proposal:** Residential development comprising 56 affordable units (100% occupation) with associated access, parking, landscaping and ancillary infrastructure and drainage works

**Applicant:** Coastal Housing & Ashgrove



### Procedural Matters & Background

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.

The application was originally received in March, 2020 and has been the subject of a number of significant negotiations during the course of the assessment of this application to ensure that the nature, density, layout, design, and Green Infrastructure (GI) of the development has sufficient regard to its location, and the Placemaking principles in the SPG - A Design Guide for Residential Development, Swansea Local Development (LDP) Policy PS2 - Placemaking and Place Management, and Policy H6 - 100% affordable housing exception site. The application is considered on the basis of the revised plans and description of development.

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The application was not required to be screened as the development does not include more than 150 dwellings, the site area does not exceed 5Ha and the site is not located within a sensitive area as defined by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

### **Site Location**

The site comprises an irregular shaped parcel of greenfield / designated Common Land (Clyne Common) measuring approx. 1.90 ha located outside and adjoining the defined LDP settlement boundary around the north of West Cross, and which also encompasses an area of land off Mulberry Avenue required for the surface water / SuDS drainage requirements. The southern boundary fronts onto Chestnut Avenue. The residential settlement of West Cross is located on the opposite side of Chestnut Avenue to the south. The site is largely open to the west but is bordered by established hedgerow and trees along the site frontage to Chestnut Avenue and larger area of woodland abutting the northern boundary. The wider Clyne Common on the northern side of Mayals Road lies within the Gower Area of Outstanding Natural Beauty (AONB).

### **Description of Development**

Full planning permission is sought for the construction of 56 residential dwellings (comprising 36 x houses, 10 x apartments and 10 x bungalows) with landscaping, access and associated works on land off Chestnut Avenue, West Cross. The dwellings are proposed to be 100% affordable housing (Social Rented) and will be managed by Coastal Housing Association.

The dwellings would be 2 storey finished in a mixture of brickwork and render with a smooth grey roof. A two storey apartment block would also be provided with dual frontages facing the main road and overlooking the public open space.

The site is currently designated as open countryside within the Swansea Local Development Plan, and the application has been submitted on the basis of an affordable housing exception site under Policy H6 of the LDP.

The application has been accompanied by a number of accompanying documents which are outlined below and 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.

The planning application has been supported with the following documents:

- Planning Statement - July 2022;
- Design and Access Statement - Rev F - Dec 2022;
- Transport Assessment version 5 - July, 2022;
- Pre-Application Consultation Report - Feb. 2020;
- Landscape and Visual Impact Assessment including associated visual information & Strategic Landscape Plan - rev PR10;
- Green / Blue Infrastructure Statement rev E;
- Ecological Management Strategy - Issue 10 June 2022; together with Phase 1 Habitat Survey Note 2021 and Stage Ecology Report;

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- Arboricultural Impact Assessment - rev A; including draft tree protection plan;
- Drainage Statement together with Drainage Strategy rev AD;
- Archaeological and Heritage Assessment - Rev A;

### Common Land Status

The application site is designated Common Land, and as outlined in the policy section below, in addition to planning permission, there is a separate legal process for development involving Common Land requiring consent from Welsh Ministers. This may be required under the various common land legislation, the most usual being Section 38 of the Commons Act 2006 or Section 16 of the Commons Act 2006. This would involve the land being de-registered and other common land identified as a replacement. This is a separate legal process that can be addressed post any planning permission granted for the scheme. Land to the west of Clyne Common has previously identified for the exchange land but as advised, the suitability of any proposed exchange land is a matter for the Commons Consent process.

### Planning Policy Context

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

The National Development Framework: Future Wales - the National Plan 2040 published by WG on 24th February 2021, contributes the national tier of the Development Plan - it 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.

The following national policy contained in Future Wales is of relevance to this application:

#### Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with GI. Urban growth and regeneration should be based on the following placemaking principles:

- creating a rich mix of uses;
- providing a variety of housing types and tenures;
- building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- increasing population density, with development built at urban densities that can support public transport and local facilities;
- establishing a permeable network of streets, with a hierarchy that informs the nature of development;
- promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- integrating GI, informed by the planning authority's GI Assessment.

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### Policy 7 - Delivering Affordable Homes

The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

### Policy 9 - Resilient ecological networks and Green infrastructure

To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of GI, the Welsh Government will work with key partners to:

- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and;
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.

Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. 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 as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

### Policy 12 - Regional Connectivity

The Welsh Government will support and invest in improving regional connectivity. In urban areas, to support sustainable growth and regeneration, our priorities are improving and integrating active travel and public transport. In rural areas our priorities are supporting the uptake of ultra-low emission vehicles and diversifying and sustaining local bus services. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to deliver the following measures to improve regional connectivity:

- Active Travel - Prioritising walking and cycling for all local travel. We will support the implementation of the Active Travel Act to create comprehensive networks of local walking and cycling routes that connect places that people need to get to for everyday purposes.
- Bus - Improve the legislative framework for how local bus services are planned and delivered.
- We will invest in the development of integrated regional and local bus networks to increase modal share of bus travel and improve access by bus to a wider range of trip destinations.
- Metros - Develop the South East Metro, South West Metro and North Wales Metro. We will create new integrated transport systems that provide faster, more frequent and joined-up services using trains, buses and light rail.
- Ultra-Low Emission Vehicles - Support the roll-out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly in rural areas.

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Planning authorities must plan the growth and regeneration of the National and Regional Growth Areas to maximise opportunities arising from the investment in public transport, including identifying opportunities for higher density, mixed-use and car-free development around metro stations.

Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement.

Planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points.

**Policy 28 - National Growth Area - Swansea Bay and Llanelli**

Swansea Bay and Llanelli will be the main focus for growth and investment in the South West region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure. The Welsh Government will work with regional bodies and local authorities to promote and enhance Swansea Bay and Llanelli's strategic role and ensure key investment decisions support places in the National Growth Area and the wider region.

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

PPW is the complete land use planning policy document for Wales and provides the foundation for all national, regional and local planning policies. It is not part of the Development Plan, however it has substantial weight in the planning process. The following key extracts from PPW are of particular relevance:

**Placemaking** - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions. PPW defines placemaking as (p14): a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense.

PPW (pg 16) provides the 6 placemaking principles of the Placemaking Charter (to which the Council is a signatory). These include - people and community - location - movement - mix of uses - public realm - identity. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

Placemaking should not add additional cost to a development, but will require smart, multidimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

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In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes (para 2.17).

The Covid-19 Pandemic and Building Better Places: In July 2020 the Welsh Government published Building Better Places<sup>9</sup> which pinpoints the most relevant policy priorities and actions to aid in the recovery. Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being. Building Better Places starts to identify action to achieve this and upon which we must build; future reviews of Planning Policy Wales will enable us to further integrate this work. Everyone has a part to play to ensure that the communities of tomorrow benefit from the foresight of today. (2.18)

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 surrounding area (para 3.3).

Sustainable location (para 3.43 and 4.2.16) - PPW states that in terms of the search sequence for identifying sites for development LPAs should consider allocating previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage.

The Best and Most Versatile Agricultural Land (para 3.58-3.59) - Agricultural land of grades 1,2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering...development management decisions considerable weight should be given to protecting such land from development because of its special importance. 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 outweigh 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.

Development in the Countryside (para 3.60) - Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

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Sustainable travel (para 4.1.19-30 and 4.1.40-41) - The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which: are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car; are designed in a way which integrates them with existing land uses and neighbourhoods; and make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play. The Welsh Government policy, Manual for Streets (MfS) and its companion guide MfS 2, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in MfS and the Active Travel Design Guidance. Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk adverse street designs. Design and Access Statements should demonstrate how the design of new or enhanced streets has responded to urban design principles.

The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds of 20 mph or less.

To make streets safer and more attractive places for people, the Welsh Government is making 20 mph the new default speed limit for most streets and taking measures to prevent pavement parking. Active travel infrastructure should be put in place early on in a development, and before the people living there move in, to support active and healthy travel patterns from the outset. Biodiversity and Resilience of Ecosystems (S6 Duty) (paras 6.4.1 to 6.4.9) - In accordance with s6 of the Environment Act 2016, the Council has a duty to maintain and enhance biodiversity.

[NB: In Swansea, the section 6 duty is embedded as one of the 4 Well Being Objectives in the Public Service Board's Well Being Plan - "Working With Nature". It is also included as Objective 6 of the Council's Corporate Plan "maintaining and enhancing Swansea's Natural Resources.]

The s6 duty means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so, the LPA must take account of and promote the resilience of ecosystems, in particular the following aspects: diversity, connectivity, scale, condition and adaptability. In fulfilling this duty the LPA must have regard to S.7 list of habitats and species important for Wales and the SoNaRR and any up to date ecological survey information provided.

Protection and Management of Designated Sites: (paras 6.4.15- 21) - Protection for Non-statutory biodiversity designations can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in the development management process.

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Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Assessments should consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

Green infrastructure (para 6.2.1 - 6.2.5) - is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. The delivery of multifunctional green infrastructure can make a significant contribution to the sustainable management of natural resources, in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of diversity, extent, condition, connectivity and adaptability. This means that development of Green Infrastructure is an important way for local authorities to deliver their Section 6 Duty. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

Affordable housing (para 4.2.25-26) - A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents.

The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision.

Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged, such as the national sustainable placemaking outcomes. Affordable housing exception sites are not appropriate for market housing.



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**Common Land (6.3.18)** - Common land is a finite resource and should not be developed unnecessarily. It is important in agricultural terms and valued for its leisure and environmental interests, particularly its significant role in habitat conservation. Access to it should not be prevented or impeded unnecessarily to ensure its proper management. The role and wider value of common land should be explored through Green Infrastructure Assessments.

6.3.19 - In addition to planning permission, certain works which prevent or impede access to or over common land or involve new resurfacing require consent from Welsh Ministers. Where planning permission is being granted to develop on common land, an advisory note should be attached stating that the consent of the Welsh Ministers may also be required under common land legislation - This may be required under the various common land legislation, the most usual being Section 38 of the Commons Act 2006 or Section 16 of the Commons Act 2006.

### **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 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 18: Transport (2007): This TAN provides 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.

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

PS1 - 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.

PS2 - Placemaking and Place Management - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

PS3 - Sustainable Housing Strategy - The Plan provides for the development of up to 15,600 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.

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

H2 - Affordable Housing Strategy - Provision will be made to deliver a minimum 3,518 affordable homes over the Plan period through setting targets for on-site provision of affordable housing (Policy H3); allocating Local Needs Housing Exception Sites (Policy H5); providing the policy framework for 100% affordable homes (Policy H6).

H 6 - 100% Affordable Housing Exception Sites- Residential proposals on sites within or adjoining existing settlements where 100% of the proposed dwellings are for Affordable Housing for Local Needs will only be permitted where:

- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

Market housing will not be permitted on 100% affordable housing exception sites. The proposed affordable housing should meet the needs of local people in perpetuity, which will be tied to the planning consent by means of a legal agreement.

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

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

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

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

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

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ER 2: Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services.

Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

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

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

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.

CV 2 Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

T5: Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

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T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

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.

EU 4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

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

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

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

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

Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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RP 6: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 8: 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.

RP 10: 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.

### **Supplementary Planning Guidance (SPG)**

The following Supplementary Planning Guidance (SPG) are relevant to the proposed development:

- Places to Live - Residential Design Guide (Adopted Oct. 2021)
- 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 2021)
- Development and Biodiversity (February 2021)

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 were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs.

Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

### **Pre-application Consultation - PAC**

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

### **Design Commission for Wales**

Prior to the submission of the planning application and as part of the pre-application discussions, the proposal was subject to presentation to the DCfW on 12th December, 2019 and their report is reiterated below:

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### Main Points

#### Site Suitability

The site is located on Clyne Common, outside of the settlement boundary and is a designated SINC. It is being taken forward as an exception site under LDP policy H6 as it is proposed to be 100% affordable housing. There is a significant unfulfilled demand for affordable housing in this area and this was presented as one of very few sites in the area for residential development. This justification needs to be clearly presented with further narrative and evidence to support the case for the proposals on the site and the opportunity that exists in this area.

Whilst the criteria of Policy H6 may be addressed to enable the development of the site, the Commission is concerned that, as currently drafted, this small, incremental addition to the settlement does not create the most appropriate urban form, does not relate well to the settlement nor would it deliver the greatest public benefit to the community. Consideration, led by the LPA in collaboration with Coastal Housing (and other RSLs if appropriate), should be given to whether there is a more cohesive, coordinated and proactive approach to addressing housing need and opportunity in this area. Taking a long-term view of this edge of the settlement through a comprehensive masterplan would help to address some of the concerns of this relatively small appendage to the settlement which appears somewhat illogical as presently proposed. However, concerns were rightly raised about the challenges that a large development of 100% affordable housing would raise in relation to creating a cohesive community. This consideration also suggests that a more comprehensive approach would help better align with the goals and ways of working of the Well-being of Future Generations Act and assist and more comprehensive approach to the opportunity.

Although the site is a SINC and the proposed housing directly abuts an area of Ancient Woodland, the ecological impacts may be capable of being adequately addressed through positive management. An area of exchange common land is proposed to compensate for the loss resulting from the development, and it is understood that a letter of support for this approach has been received from the Gower Commoners Association, although the letter was not provided in materials available to the Commission. In relation to the proposed land swap, the recreation and open access value of the common land parcels will need to be weighed up as part of the required public interest test in determining the approach to the future use of the land.

Consideration should be given to how this site might connect into potential further development land and it should be ensured that it is properly stitched into the existing settlement. The network of streets, spaces and footpaths need to reinforce this as a logical extension to the settlement.

#### Environmental Sustainability

The ambitions for the approach to energy and environmental sustainability have not yet been set out sufficiently clearly. Building on Coastal Housing's growing experience through the IHP programme of energy and carbon reduction approaches we would expect this scheme to go beyond minimum Building Regulations, particularly in terms of reducing running costs for residents.

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### Placemaking

A logical approach has been taken that seeks to ensure that properties are outward facing in the proposed layout, however this creates some challenging arrangements of fronts and backs and rear gardens onto the street. Further consideration should be given to how these spaces will work to ensure that they are safe, well overlooked and welcoming as they are likely to be the approach that many people make to their homes. If people are likely to come into the back of their properties from the road, this should be positively designed into the properties, boundaries, garden design and layout and consideration given to how to ensure natural surveillance. This should also be reviewed in relation to the opportunity that exists in this area through a more comprehensive phased masterplan.

The parking numbers and layout should be reviewed as large parts of the site are given over to parking and the spaces are often disconnected from the properties. The site is located close to bus stops and other measures such as a car-pool and bike hire could also be considered to incentivise the move away from high levels of car-use/ownership. Banks of nine car parking spaces should certainly be avoided.

If the need for parking spaces is reduced there may be potential to accommodate more terraced houses which would increase the density of the development and improve thermal efficiency. This would be most appropriate to the south of the site.

### Neighbour Consultations

The application was originally advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters, and the application was advertised on site and in the press on 2 March, 2020.

93 LETTERS OF OBJECTION were received which are summarised below:

- In a world where the ecological balance and stability is constantly under threat and attack, is it really appropriate to build on such naturally biodiverse land?
- The area is used as a local park; popular with walkers, riders and children playing it's a habitat for ponies, site of scientific and natural interest. Common Land gateway to walkers and riders wishing to tour Gower.
- The infrastructure is insufficiently robust to support the additional housing; the roads are poor there are no pavements and the schools are already hugely oversubscribed - object to the reclamation of common and protected land within the AONB.
- Need a small bit of nature to roam on for free.
- Traffic: the proposed application would see an increase in traffic to an area already badly affected by queuing traffic daily, especially on Mulberry Avenue. Often the traffic will be queued all the way past the Common and the turning for Chestnut Avenue due to congestion on Mumbles Road.
- Speeding traffic down Chestnut Avenue.
- An increase of 58 houses will add traffic to an already overloaded road. The road and traffic infrastructure for the whole area, including Mumbles just can't cope with any more traffic. Therefore, increasing traffic in an already overloaded area will lead to misery and chaos for local residents.



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- The report stated that an increase in traffic in the afternoon was due to the local Mayals school. There are five primary schools in the immediate vicinity, not including traffic for children attending Bishopston Comprehensive, therefore, the increase is due to parents/guardians on the school run.
- What about the increased traffic, particularly heavy vehicles, and parking during development of the site? Adding heavy vehicles to the road is going to increase that damage and air pollution.
- Wildlife: whilst the ecology report states that any impact on wildlife can be mitigated, there will still obviously be an impact, and the development would spoil the beauty of the area. The common is a wild, green open space which is home to many species of birds, plants, animals and insects.
- Common Land: Clyne Common is a Site of Importance for Nature Conservation (SINC) including Ancient Woodland, is locally important to the residents of the area, and should be protected, otherwise what is the point of having designations.
- Green Space: we should be protecting our green spaces for future generations at all costs. There are plenty of brown field sites the council can sell off to build on, so why focus on our beautiful Common which should be protected.
- There are better sites to build affordable housing.
- It states that there is no net loss as an area of replacement land is proposed. The proposed exchange of land doesn't help the local residents of the area, we are not going to drive to the other location to enjoy that space, we need green spaces within walking distance.
- The report states that the plans meet the LDP policy H6 as there is no loss of land of important recreational, amenity or natural heritage value. This is complete nonsense, as the Common is an important green space amenity to local residents for recreational use and helps to provide clean air.
- Flooding: although the proposal provides for drainage solutions, the common is already very boggy and marshy, due to moving springs, streams and pooling water.
- Fire: the proposed area and the surrounding area of Common catch fire at least yearly, with the fire brigade needing to attend, therefore, to build there would be putting the residents in danger.
- No one at the Public Consultation knew anything about the S38 Commons consent under the Commons Act which is required before building can begin, have this been sought yet?
- The carbon footprint of this development and ongoing carbon footprint will not be in line with the guidelines set to reduce carbon footprints.
- This is an area of common land and I thought it could not be built on.
- The residents will also create extra stress on the local GP services and the local school.
- The houses in question will not be affordable.
- Many people use the area through the rights of way.
- Why ignore housing land held by Swansea housing, that was entered in the latest LDP for development plan but removed in the process period for not going forward, this is common land.
- This land is vital green space and connects to a green corridor down to the shore, very important for wildlife. It is wild habitat and the scrubby nature of the undergrowth is a home and a hiding place.
- The need for more and affordable housing does not out-weigh the need to protect the environment. Digging up land such as this releases more CO2 into the environment, but the council has recognised we are in a climate emergency.

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- The plan to identify an alternate area to be made available as common land is not worthy of consideration as only this land can meet the needs of the local wildlife and the conservation of the environment.
- This will restrict the natural waterflow to trees and all other biodiversity completely debilitating growth. It will also likely cause eventual flooding. It's a natural watercourse to the sea. By building here you will be directly contributing to furthering the climate crisis.
- This land was registered in 1926 as common land. Under section 38 of the commons act 2006 consents which prevents or impedes access to land rights of common land is unlawful.
- The extension of sewage disposal is not thoroughly explained in the proposal, and will present a problem to the development. The sewage for Cypress Avenue runs on the south side of the houses, an area which is already overgrown with large trees, and no maintenance has been performed in decades. Is this the proposed route for sewage? How long before the sewer fails?
- The bus route of the 3A service already has problems in Chestnut Avenue, which is too narrow for current traffic. This problem will only be exacerbated by the proposed site. Chestnut, Mulberry, and Cypress avenues are a 'rat run' at peak times, and it can be gridlocked at these times.
- The proposal that this site would provide affordable housing should not in this case be allowed to override the significant concerns of residents and experts.
- The fundamental issue is that is Common Land adjoining the Gower AONB and includes a small are of ancient woodland is inside the proposed development area .
- The applicant is proposing to de register the Common Land and are offering replacement land to compensate. This parcel of land is in Murton so not accessible to residents of West Cross unless by car and does not look suitable for walking so could not be used as an open space.
- At night, it further provides an area free of light pollution which Swansea has little of.
- The green corridor through West Cross would be broken underground water from the Common feeds through via the woods opposite and through to Washing House Brook. There is an issue with natural streams and springs in this area.
- Development would disturb the water table substantially.
- The surface drainage plan SUDS includes a pond to be located in the south eastern of the plot. The design shows a seating area and is presented as a communal asset. There is however potential for this to attract children and young people and be a dangerous health and safety issue. It could also be a magnet for antisocial behaviour.
- The actual building work could cause pollution of local natural water sources .
- The plans for the development seems to make no attempt at being carbon neutral. There is as far as I can see no indication as to how the homes will be heated, no solar panels, no indication of insulation and no electric car charging points.
- There are so many houses already empty in the West cross area and so many areas that would be better suited for housing.
- As one time residents of a house at the junction of Mulberry and Chestnut Avenues and very familiar with this area, we write on the subject of this proposal and strongly object to it on the grounds that:-
- The proposal borders on its eastern side an existing footpath should not be disturbed.
- At the south-western corner of the proposed development area there is another footpath running west and across the Common to reach the main road. The first part of this appears to be subsumed by the area in question.

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- Gower is an Area of Outstanding National Beauty, and the character of the road across the Common and Chestnut Avenue will be greatly changed.
- This land has been identified as a Site Important for Nature Conservation. SINC status is given to land that is important for biodiversity and has a substantive conservation context.
- Common land should not be taken out of public ownership and which placed in private hands at the cost of biodiversity and the wellbeing of current and future generations.
- The visual impact of these buildings proposed also appear to be detrimental. The Wellbeing of Future Generations Act asks us to consider the loss of precious and precarious ecosystems and commons to future generations.
- It destroys an important historical location where Cistercian Monks and later the Drovers walked to Neath Abbey and Swansea Market receptively, hundreds of years ago. At the opposite corner of the junction between Chestnut Avenue and Mulberry Avenue is the entrance to a public right of way, the line of which can be traced all the way to Swansea Bay at Llwynderw and Blackpill, and hence via boat to Neath Abbey, or to Swansea Market along the coast.
- This is common land, I strongly object to any plans to build on this land. There are no circumstances where the protections of this land should be lifted. It is a local resource, replacement land in another area will not meet the local need.
- Clyne Common is renowned for its springs, streams and peat bogs therefore the amount of displaced water will have a huge impact on the existing urban area lower than West Cross and the Mayals.
- The proposed site is mainly peat bog supporting a natural habitat supporting flora and fauna of great significance vital to conservation and diversity.
- Common land is a natural carbon sink and counters global warming and climate chaos.

**The Gower Society** - holding objection March, 2020 - The Society, have examined this application in depth and understand and sympathise with the need for this application for affordable housing. Unfortunately, any construction at this location can only be considered development within the open countryside that is adjacent to the AONB and we have no option but to object.

We therefore wish for our initial objection to be registered regarding this application, but withhold the right to add further objections at a later date.

Further objection 5 April, 2020 - We refer to the holding objection in our letter dated 9th March 2020 and write to respond in more detail having had more time to study the voluminous documentation with the application.

At the outset we should acknowledge that affordable housing is one of the exceptions to Policy CV2 of the LDP and if the need for this has been established then we cannot oppose the principle. However, our study of the detailed documentation has not answered all of our questions, as follows:

1) The landscape and visual assessment, although discussed at some length, does not clearly indicate the visual impact of the development when viewed from the main B4366 road and adjacent AONB towards the iconic sweep of Swansea Bay (currently somewhat obscured by recent scrub and tree growth; see also below) and one of the most significant in the area.

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2) There should be a photomontage showing whether it will be affected. A condition of the development should be that the highest parts of it will not affect this view (i.e., as imagined in the absence of the present scrub overgrowth) before approval be given. The Gower Society would wish to register an objection to any parts of the development that does not meet this condition.

3) The loss of common land on the urban fringe with public rights of access over it (pursuant to an Order of Limitation) is our greatest concern. It is not going to be adequately replaced by the exchange land to the north west of Ryelands Farm. In fact that land is grossly inferior in almost every respect. No attempt seems to have been made to ensure even a measure of equality of exchange. We therefore stand by the detailed grounds of objection set out in our letter of 2nd March 2020 to the Planning Inspectorate.

In fact, having seen the letter of 3rd March 2020 from Aled Davies NRW, we share the significant concerns about which he writes there and which virtually mirror our own. We therefore adopt and repeat those and ask that they be addressed in more detail. Until such time as we have the opportunity to comment upon these further details we stand by our earlier holding objection and those set out in the enclosed letter to the Planning Inspectorate.

By way of further comment we must also say that we think an opportunity has been missed to do something positive about the whole area of Clyne Common to the south of the B4436 and to the east of the former Eastmoor access road. It has degenerated significantly since it was enclosed in the 1972. Since it stopped being grazed much of it has become a wilderness of scrub and trees access to which is now virtually impossible. The once iconic view of Swansea bay is currently largely obscured. It is crying out for a management plan, possibly including removal of the perimeter fencing, (which is now effectively merely a deterrent to the public rights of access which are supposed to be exercisable over it).

Although the submitted drawings (in particular the Site Layout plan and Green Infrastructure Plan) show proposed buffer planting and a woodland walk around the perimeter abutting the Common there is no mention of whether this is to be dedicated as public open space to ensure that there is no further encroachment into the adjoining common land. If a management scheme was put in place which encompassed both this buffer zone and the parcel of Clyne Common to the east of the Eastmoor access road the planning gain could be very significant and should certainly be weighed in the balance when the deregulation question comes to be considered. The Society would be pleased to participate in and support such an initiative in any way it can and to discuss how it might contribute.

In the circumstances there are too many question marks over this proposal, and unless these are clarified, we have no alternative but to object to the application as it stands.

**The Wildlife Trust of South and West Wales** - objects to this application. There are four main areas of concern.

- SINC status. This land has been identified as a Site Important for Nature Conservation. SINC status is given to land that is important for biodiversity and has a substantive conservation context. They are intended to enable the planning system to recognise and thus protect or enhance areas of substantive nature conservation value outside the limited network of statutorily protected SSSIs.

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Whilst this part of the SINC may not be in favourable condition for its key features, its contextual importance remains high and features are still present within the development footprint. Its capacity for enhancement should be a key consideration.

- Compensation plans. We note the developers' land exchange proposals but the mitigation (compensation) is not equivalent to what is being lost, and we therefore do not feel it represents adequate provision. We also have some concerns about the proposed management of the compensation land (its open, grazed condition may still encourage disproportionately high grazing pressure from animals from the common, even after fencing is removed). We would expect to see a more detailed ecological assessment (especially botanical detail) and more detailed commitments to its future management. We are also aware of an area adjacent to this land that was previously a tip that may require consideration in terms of stockproofing and ensuring contamination is not an issue.
- Habitat loss. We are concerned about the loss of semi-natural habitats, including the impact on Ancient Semi-natural Woodland. Even where the woodland is retained, its immediate adjacency to dense housing will impact on its ecological condition through physical disturbance, lighting, ground disturbance, increased access, etc.
- Landscape impacts. This large development on open common land will have a significant landscape impact and detrimental consequences for the relationship between the local community and a cultural asset that is of high biodiversity value. It will detrimentally affect the distinctive natural heritage of the area.

**Tonia Antoniazzi MP for Gower** - I have been contacted by my constituent Mr Roberts who is concerned about the above planning application.

Mr Roberts objects to the use of common land for housing purposes and states that the land proposed as a 'swap', is of no use to the local community, being too distant from the current location and not easily accessible on foot. He advises that many local people walk dogs and ramble over this common.

Mr Roberts states the proposed building site is very marshy and absorbs large quantities of water, holding it and keeping it from progressing further downhill and is concerned that tarmac and concrete on top of this would lead to a run off of water that would be difficult to disperse down to the sea. Mr Roberts states that Mulberry Avenue, to the east already floods when there is a lot of rain and therefore, drainage would be a severe problem.

Mr Roberts does not believe the extension of sewage disposal is thoroughly explained in the proposal, and will present a problem to the development. He advises the sewage for Cypress Avenue runs on the south side of the houses, an area which is already overgrown with large trees, and claims no maintenance has been performed there in decades. Mr Roberts is enquiring whether this is the proposed route for sewage? How long before the sewer fails?

My constituent states that the bus route of the 3A service already has problems in Chestnut Avenue due to the narrowness of the street and is concerned this problem will only be exacerbated by the proposed site, particularly as he states Chestnut, Mulberry, and Cypress avenues are a 'rat run' at peak times, and it can be gridlocked at these times.

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Mr Roberts' additional concerns are that there are several species of reptiles living on this land, some of which he believes to be endangered. He also expresses deep concern over the destruction of the habitat of the bats in the area during the building work.

I would ask that the concerns expressed by Mr Roberts be considered and addressed during the consideration of the above application.

### **Rebecca Evans - Assembly Member for Gower -**

I write with regards to the above planning application and on behalf of constituents who have been in touch with me to express their views on this matter. My constituents have raised numerous points with me, and I have outlined these below for your considerations:

- My constituents are concerned about an increase in traffic, highlighting the already busy roads of Mulberry Avenue, Fairwood Road and Mayals Road, and the effect more housing will have on an already congested road network.
- My constituents have raised the issue of wildlife - particularly the amphibian population and the effects a loss of habitat will have. Also highlighted was the ecological effect on foxes, hedgehogs, bats and birds of prey.
- My constituents highlighted that the proposed site is on Common Land and part of the Gower AONB, and is also a site of Importance for Nature Conservation.
- My constituents would like to see developments built on brownfield sites, protecting green spaces for future generations.
- My constituents raised concerns regarding flooding - some are worried that any development will see water pushed onto Mulberry Avenue and Cypress Avenue.
- My constituents raised the issue of grassfires, highlighting that parts of the common often catch fire during the summer months.

I will be grateful if you will consider my constituents concerns.

ONE LETTER OF SUPPORT were received which are summarised below:

- It would be benefit our city to have affordable housing on land owned by council whether it be in Clyne, Birchgrove, Penplas we need more Housing before the private developers get hold of council land;

**Former Councillor - Mark Child** - I wish to comment in support of this application.

It is well known that the supply of houses across the UK is poor, and all governments are encouraging new build. This is the case in Swansea, and is certainly the case in West Cross. Within this the supply of affordable housing is even more paltry. I became a councillor in West Cross in 1999, and I can safely say that the lack of affordable social housing has been the single biggest issue I have had to deal with from constituents. In fact, I would go as far as to say that it has been a bigger issue than all others put together. Families from the area cannot find housing here to make a home. More of the Council Houses in West Cross have been sold than in any other part of Swansea, and many of these are now rented out at higher rent than the council charges with much less security of tenure. Over 60% of the 3 bedroomed houses built by the council have been sold off.

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Alongside this many of the previously more affordable houses in Mumbles are now second homes and holiday-lets pricing more local people out of the housing market and putting more pressure on the remaining social housing left. I don't blame people for buying their homes, but nothing was put in to replace them. This in making the population older and putting pressures on school numbers. This is acknowledged in the recently adopted LDP, where the need for affordable housing is calculated as even greater here than in other parts of Swansea. When I was on the planning committee I regularly argued for more affordable and social housing being provided, and my view of the need for it hasn't changed, indeed the need has only grown.

This development would go some way to meeting the need for Social Housing in the wider Mumbles area needed in the LDP.

The site is currently common land. It has been fenced off as separate to the rest of Clyne Common for at least 25 years if not much longer. It has not been used for grazing of any animals in all that time, and consequently is more like scrubland now. Young trees, brambles, gorse, etc have grown up. To my knowledge there is nothing outstanding about the flora and fauna of this little bit of the common.

To be used for housing it has to be removed from the register of common land and a patch of similar size added in the vicinity. I understand a field in Murton is to be added that will be available for grazing and so add in real terms to the area of the common, and which will certainly be of more value for grazing than the proposed site. This site has been used for walking dogs, and probably for children to play on, but there is substantial remaining common land immediately adjacent to the site, as well as several open spaces nearby.

This site is not in the LDP, it was proposed but removed as it was common land and so problematic. However, this problem has been overcome so effectively this is a windfall site. It will be very rare that a site in Gower or on the Gower Fringe comes in for significant numbers of social housing, and the LDP has challenging targets for social housing in these areas. So whilst the site isn't in the LDP, its proposed provision certainly is.

As with any site there are a number of issues locally in and around it that raise concern. There is a significant amount of surface water run off that affects the bottom of Chestnut Ave, and occasionally Mulberry Ave. The proposal will need to satisfy the new SUDS regulations, which mean the site has to deal with its own drainage. In doing so it will alleviate the current run off problems.

There is a green corridor running from Clyne common almost to the seafront through an area known as Washinghouse Brook, which it is very important is retained. There appears to be a wide enough gap for the corridor to remain fully viable. The development plans also soften the edges to blend with the corridor and the rest of the common. Normally I would wish to preserve green spaces for their environmental and aesthetic value, however in weighing up the value of this parcel of land against the need for nearly 60 households to have a home they can afford, in this case I fall for meeting the social need that I have seen first-hand for many years locally. There are simply not enough brown field sites available to meet housing demand, and in this area there are virtually none.

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The site is very close to the border of the AONB but will not be visible from there as it is sited below the viewing line and bungalows have been placed at the higher side of the site to ensure this. Although with the continued lack of grazing the common land next to it will eventually turn in to woodland and nothing would be visible anyway.

I have regularly had complaints about traffic on Chestnut Ave, mostly about speed, but also about visibility which is obviously related. In the past I have asked the police to site a speed camera there and have tried to get traffic calming installed. I have also had yellow lines put in to give wider view at junctions. Chestnut Ave is part is a rat run that goes from Mayals Road to Newton, avoiding Mumbles Road. The proposal includes access on to Chestnut Ave, and measures to address that and to install traffic calming will also provide a general improvement to the Road.

In summary, the application addresses and improves the drainage issue on site by having to adhere to the SUDS regulations, it preserves the green corridor down Washinghouse Brook, it addresses and improves road conditions on Chestnut Avenue, and it preserves and possibly increases the amount of grazing land available to commoners. It does sacrifice a 'green field' but the green area is not of value over and above the normal, and it addresses, to a degree, the long term lack of secure social housing that has blighted so many families locally, hence I support the application.

### **Amended Plans / Documents - Aug. 2022**

Following the receipt of amended drawings and the submission of updated / new Documents including:

- Green Infrastructure Plan;
- Tree Constraints Plan;
- Arboricultural Impact Assessment;
- Ecological Management Strategy;
- Drainage Statement;
- Planning Statement.
- Transport Statement;
- Strategic Landscape Plan;
- GI Statement (1874401 GI1);
- WW1 Practice Trenches - Royal Commission on the Ancient and Historical Monuments of Wales;
- Engineering Strategy;
- Design and Access Statement.

the application was re-advertised by posting site notices on 17 August, 2022. The following additional 34 LETTERS OF OBJECTION have been received, reiterating the previous objections but making the following additional comments:

- The document submitted by Coastal Housing in June 2022 notes that we have access to a Public House, The Linden Tree. Unfortunately after much opposition in the Community was agreed by SCC some years ago and is now a shop. This indicates that this document has not have been scrutinised professionally.



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- The public have the right of access on foot and on horseback to the whole common, under section 193 of the Law of Property Act 1925, and therefore that the exchange land must also be suitable for public access.
- I believe that building on common land sets a dangerous precedent. It is up to us to preserve what little green space we have left for future generations. Yes we need affordable housing but these are not council houses supplied at reasonable rents for local people. Let's not put profit over principle.
- The Drainage Strategy and Drainage report both state that no investigation of the site to investigate soil type and permeability has been done. This application for planning should not be passed without knowing what they are proposing to build on.
- Amphibians and reptiles have been identified as using the habit endangered by this building project. In times where the importance of natural spaces secluded from development is forefront in conservation and rewilding headlines, it is vital to think carefully about disturbing known habitat.
- None of the changes make the proposal acceptable.
- This land has Site Important for Nature Conservation (SINC) status, acknowledging that it is important for biodiversity and has a substantive conservation role to play in the area. This designation is meant to offer protection to the land. It has been extremely well-documented by other objectors that this habitat is home to many vulnerable and endangered animal and plant species.
- The mitigation measures from the developer are not suitable. The mitigation measures make no mention of the wildlife that will be displaced by this development, or the impact on the community of the loss of green space many residents currently use for leisure purposes.
- The Open Space Strategy For Swansea is all about promoting our green spaces. Common land with rights of way is surely included in this, as are SINCS and SSSI's. Surely building houses on common land contravenes this?
- Quoted is the Environment Act 2016, the duty of the public authorities to maintain and enhance biodiversity;
- The common land is edged by ancient woodland and this too is a precious habitat for diverse wildlife.
- Planning permission should not be granted before Commons exchange land has been agreed.
- The area is lowland heath with a mosaic of habitats valuable for biodiversity and animal life including bog asphodel.
- Drainage Statement does not appear to understand the hydrology of the site and does not mention peat.
- development would destroy a peaty marsh habitat which is home to wet heathland plants including bog ashphodel, heathers, mosses and ferns.
- This area supports seven species of bats plus valuable invertebrates, reptiles, butterflies including the Marsh Fritillary (and it's food plant Devil's-bit scabious and birds. I'm not aware whether a full wildlife assessment has taken place but the planning committee should not even consider allowing the destruction of an area in Swansea with peat laid down over the ages which is up to 60cm deep.
- Green Infrastructure Statement and Ecological Management Strategy (EMS) contravenes Policy Framework.
- EMS acknowledges the marsh grasslands / peat bog;
- Drainage Strategy is unrelated to the hydrology of the site.

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- Mitigation measures would not compensate for the loss of habitat, recreational and landscape qualities of the site.
- The 'sunken lanes' across the site warrant further investigation.

### Rebecca Evans MS

As you will be aware, I am prevented by the Ministerial Code from expressing a personal view on planning matters. However, I have been contacted by a constituent who is expressing his objection to the above application. I would be grateful if these concerns would be given due consideration as part of the planning process.

The concerns expressed by my constituent are as follows:

- There will be an unacceptable loss of green space for the community. The land proposed for substitution is too far away for use by the community.
- The proposed application will increase the risk of flooding on land which already has poor drainage.
- Chestnut Avenue would need to be widened to cope with increased traffic.
- A climate and nature emergency has been declared, but these proposals would lead to a loss of habitat for birds, insects, lizards, snakes, and bats, some of which are endangered species.

My constituent is concerned that the application was not well publicised and as such people did not have enough time to respond. I would be grateful if you would let me have details of how the council sought to publicise the application.

### Bishopston Community Council

Objection:

- land is well used by local residents
- rights of way and in-registered paths are used by locals, walkers, cyclists and horse riders
- Broad bio- diversity (highlighted in NRW objection)
- risk of increased flooding (highlighted in Council countryside Access Team objection)
- 56 houses/bungalows/flats with no plan for 'affordable' housing (starting prices estimated at £300,000)
- Access from West Cross to Common will be reduced
- Access from West Cross to Gower Access Path is reduced
- the right of way opposite the development will be used for drainage so may be 'lost'
- the right of way from corner of chestnut avenue to Mayals will be maintained as a pavement according to the developers

### The Gower Society

We refer to our previous letters of 9th March and 5th April 2020 and apologise for the late sending of this letter that was regrettably caused by some confusion on our part in believing that the application was Preliminary. Possibly because of the fact that the Common Land Exchange had yet to be resolved.

We responded to the Welsh Government's Public Notice to the proposed Common Land Exchange as others, including The Open Spaces Society on 19th Dec 2022. As a matter of principle, and as stated in our previous correspondence, we cannot condone the frittering away of Common Land on Gower, although in this case the land is directly adjacent to the AONB.

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In our letter of 5th April 2020 we raised a number of concerns and looking at the plethora of documents now registered under the application (over 267 currently) it is not practical for our Society to wade through the whole set and look at the full detail. We assume from our inspection that attempts have been made to satisfy our queries. We can state categorically that if these proposals were being made for a less controversial site (for example in possibly one of our Green Wedges) we would applaud the final design as being exemplary and a credit to the Applicant and no doubt your Team for the advice that has been given.

We do request that extra special care be taken with the street lighting and that it will fully comply with your own lighting guide lines. The recent affordable homes development in Scurlage showed scant regard to the excellent existing modified lighting (by the CCS) and ended up being more numerous, taller, brighter and intrusive than it should be.

The fact remains that we cannot support the erosion of our Common Lands as they are part of our heritage and ecology, we depend upon them for the future generations as fine public open spaces. Therefore, we have no alternative but to strongly object to this proposal and that we hope that the Planning Inspectorate see the same as we and other like-minded organisations have expressed to him. Finally Commons are a feature, in fact an integral part of the landscape of Gower and the AONB, and should not be treated as a convenient land bank.

### **Swansea Ramblers**

I am instructed by Swansea Ramblers, part of the national body, to object to this planning proposal.

The common land in question is well used by local residents for walking, dog walking, horse riding and similar uses.

The land contains a variety of rights of way (MU43, MU37, MU44) and un-registered paths (linking MU43 with MU44). These are used by locals, walkers, cyclists and horse riders.

All these paths and informal paths provide West Cross with access to the Active Travel Gower Access Path.

The area is one of broad bio- diversity (highlighted in NRW objection, with which the ramblers associates itself.

The development if granted would create an increased risk of flooding (highlighted in Council countryside Access Team objection)

The plan is for 56 houses/bungalows/flats with no plan for "affordable" housing, with starting prices estimated at £300,000.

Access from West Cross to the common will be reduced if this application is granted.

Access from West Cross to the Gower Access Path will be reduced if this application is granted.

The developers have indicated that they will maintain (cut/chop back) the area of common around the development for next 10 years. That is both difficult to enforce and difficult to achieve with regard to natural diversity.

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The right of way opposite the development will be used for drainage so might well turn into a "lost" as a result. (path MU37).

The right of way from the corner of chestnut avenue to the Mayals will be maintained as a pavement according to the developers (path MU43) causing a further loss of open land and loss of access for walkers, riders and similar.

### **Designing Out Crime Officer -**

The amended layout is an improvement on that previously proposed, and I am happy to accept it for the Secured by Design (SBD) Gold Award, which this development is required to achieve, to comply with the Welsh Government's Development Quality Requirements (DQR) for grant funded social housing projects.

**Glamorgan Gwent Archaeological Trust** - We previously commented on this application in our letter dated 26th March 2020 and whilst we note the amended site layout, the application site itself remains the same.

We have consulted the regional Historic Environment Record (HER) and note the compilation of a desk-based assessment by EDP and the survey of the military earthworks conducted by GGAT Projects.

Whilst there are no known sites of archaeological interest in the proposed development area, it is located in the vicinity of significant military practice trenches which are under consideration for being designated as Scheduled Monuments. We note Cadw's comments regarding associated survey and potential fieldwork which could be secured via condition.

However, outside of the potentially Scheduled Monuments, which are of course Cadw's remit, it remains the case that we have no objections to the positive determination of this application.

### **CADW) -**

Having carefully considered the information provided, we have no objection to the proposed development, subject to condition.

### **Assessment**

Amended plans and supporting documents have been submitted in support of this application. Discussion between the applicant's agents and Cadw were held during 2020 and whilst it was agreed that there was a need for archaeological investigation of the application area to confirm that no evidence of military activity was present, the state of the vegetation and legal restrictions on clearing it prevented the required geophysical survey to be carried out prior to the determination of the planning application. It was therefore agreed that this work would be carried out before the development commenced and that this could be secured by a condition worded in a manner similar to model condition 24 given in Welsh Government Circular 016 2014 The Use of Conditions for Development Management: However as this work will be monitored on behalf of your authority by your archaeological advisor's The Glamorgan-Gwent Archaeological Trust, they should be consulted on the precise wording of this condition.

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### Natural Resources Wales -

Initial comments - July, 2020

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

Requirement: Submission of the Photomontages, detailed in this letter. To be provided, prior to determination of the application.

Condition: Prior to commencement of works on site, a detailed Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with NRW.

Condition: Prior to commencement of works on site, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with NRW.

Condition: Prior to commencement of works on site, the applicant will submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Local Planning Authority (LPA).

### Landscape / Gower AONB

We note the submission of the document entitled; 'Clyne Common, Swansea: Landscape and Visual Impact Assessment (Issue 1)', dated November 2019. Having reviewed the documents and the associated appendices, we wish to make the following comments, which relate to the potential impacts on the Gower AONB.

The proposed development lies a short distance south of the Gower AONB, on Clyne Common, while the proposed replacement common land lies within the AONB, to west of Ryeground Farm. As previously mentioned, the area of proposed replacement common comprises semi-natural woodland, dense scrub, marshy grassland, hedgerows & trees. This composition is different to the types and amounts of habitats, which it will be replacing. However, it is stated that the exchange would result in no net loss of amenity/recreational space. Nevertheless, an appraisal to compare the landscape and amenity value of the two areas does not appear to have been undertaken.

We consider that there are likely to be some moderate adverse effects on the Gower AONB, given that built development would be encroaching onto an area of Common, close to the AONB and be visible in views from it. No photomontages have been produced showing the likely effects on views from the AONB on completion of the proposed development and following the proposed mitigation measures.

As part of our statutory pre-application response, we advised the submission of the above photomontages to assist in illustrating the likely effect of the development on views from the AONB and to ensure that the proposed mitigation measures are appropriate.

Therefore, we repeat our previous request that the photomontages be provided prior to determination, unless your Authority are satisfied that you have sufficient information to assess the likely effects of the development and that you are also satisfied that the proposed mitigation measures are appropriate.

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The Gower AONB Landscape Character Assessment LCA34, notes a strong sense of place. The common is also Open Access Land and highly accessible from adjacent urban edges of Swansea. The open nature of the site means that intrusive development at the urban edges is visible. Although, there are opportunities to integrate the settlement edges to the rural scene through new hedgerow and woodland planting and vegetation management.

We acknowledge that the proposals recognise the opportunity to integrate the settlement edge and note the submission of the 'Green Infrastructure Plan. We also advise that the submission of a: 'Landscape and Ecological Management Plan (LEMP)', to ensure the long-term success of the proposed mitigation measures, is conditioned as part of any planning permission that your Authority may be minded to grant.

This plan should be developed in conjunction with the Lighting Strategy, to ensure the maintenance of 'dark vegetated corridors' (particularly along the northern and eastern boundaries of the site) and to ensure connectivity to the wider environment.

### European Protected Species

Bats - We note from Section 2.3 - 2.5 of the Stage 2 Ecology Report, that bat activity surveys were carried out at the site in the form of walked transect surveys and an automated detector survey (involving two Anabat Express units). Section 3.4 indicates that the walked transect survey was carried out on 30th August 2018, while the automated detector surveys were carried out between 30th August and 5th September 2018. Although, the survey results appear to indicate low-moderate activity levels, these surveys were carried out late in the survey season and there are no other comparative results for early in the season, or during the summer.

Nevertheless, a total of seven species of bat were recorded on/around the site, several of which are light-sensitive. We are also aware that Lesser Horseshoe bats are known to forage across the Clyne and Gower Commons and that there are also links to several nearby Lesser Horseshoe sites in the Mayals and Derwen Fawr. Therefore, an appropriate and sensitive Lighting Strategy will be extremely important at this location.

We note that Section 4.6 of the Stage 2 Ecology Report recommends a sensitive lighting design for the proposal and that further principals and explanations are given in Appendix III. However, this is not a clearly-formed strategy and therefore we recommend that the lighting strategy condition is added to any planning permission your Authority may be minded to grant.

### Ecology and Other Protected Species

Reptiles - We note that the Stage 2 Ecology report, also involve a reptile survey, which was carried out between the 6th September and 9th October 2019, which again is rather late in the survey season. Furthermore, the majority, if not all the proposed artificial refugia appear to have been deployed outside of the red-line boundary for the proposed development. Section 2.1 of the report states that; 'Access to the development footprint was not viable due to dense scrub and bracken cover, therefore results of the current survey are indicative of species present with adjacent suitable habitat and assumed presence within the development site.'

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We note that Section 3.1 confirms that two species of reptiles were identified in the form of: Slow Worm and Common Lizard. In addition, Section 3.3 states that the refugia were deployed in relatively low density due to issues surrounding the accessibility of suitable grassland habitat. As a result, the report states that the survey results may be skewed towards a lower population size than is representative of the area.

Therefore, we advise that you discuss the suitability of the proposed mitigation measures (outlined in Sections 4.3 and 4.4), with your Authority's Planning Ecologist.

### Exchange Land

We note the submission of the document entitled: 'Exchange Land at Clyne Common, Swansea: Ecological Appraisal Report. Section 4.3 of the Appraisal report confirms that the habitats within the proposed exchange land differ from the proposed residential land at Clyne Common and as such would not directly replace the habitats lost as part of the proposed residential development. We note that Section 4.4 of the document recommends some biodiversity enhancement measures at the exchange land site. However, given that the proposed development at will result in the loss of part of the Clyne Common and Golf Course: Site of Importance for Nature Conservation (SINC), additional mitigation, compensation and enhancement measures may be necessary.

Therefore, we advise that you discuss these matters with your Authority's Planning Ecologist, as they may have additional comments in relation to this matter and in relation to habitats and species, which lie within their remit.

### Pollution Prevention

Given the scale and nature of the development we advise that a detailed Construction Environmental Management Plan (CEMP) should be provided. This should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments. The following condition should be included on any planning permission that your Authority may be minded to grant.

### Ancient Semi-Natural Woodland

We note that an area classified as Ancient Semi-Natural Woodland (ASNW), lies within the red-line site boundary of the proposed development. The importance of Ancient Woodland is recognised in Welsh Government policy. Woodlands for Wales (Welsh Government's Strategy for Woodlands and Trees) and planning policy (Section 5.2.9) states that: 'Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.'

Guided by these policies, there is a presumption against the loss of native woodland and particularly ancient woodland as it is a finite resource of high biodiversity value. Therefore, any proposals should consider the sensitivity of the site and avoid any impacts. We note that Section 6.41 of the Planning Statement indicates that the proposed scheme allows for a 15-metre buffer from the area of Ancient Woodland, taking into account the root protection zones.

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### Further Comments - 23 Sept. 2022

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Landscape. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, the following conditions should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Condition: Lighting Strategy.

Condition: Landscape and Ecological Management Plan (LEMP).

Condition: Construction Environmental Management Plan (CEMP).

### Landscape / Gower AONB

We have reviewed the updated plans and newly submitted plans including the Strategic Landscape Plan, Blue/Green Infrastructure Statement, Design and Access Statement (DAS) Revision E, June 2022), and Ecological Management Strategy.

The Gower Area of Outstanding Natural Beauty (AONB) lies a short distance to the North-West and there are views across Clyne Common towards the development proposal. This is illustrated by Viewpoint 1 in the DAS. The site slopes down from the North-West towards the South-East at Mulberry Avenue. Single storey houses are proposed closest to the North-West boundary with most visibility from the AONB. There are likely to be views of rooftops and some facades from this direction, with existing trees and scrub providing some integration. The woodland to the North of the proposal is to be retained and would provide screening from this direction.

The Strategic Landscape Plan and Ecological Management Strategy show a 5-11meter deep landscape buffer to the North-Western edge of the development, with diverse native woodland proposed. Clarification is need on the Strategic Landscape Plan that this native buffer planting indicated in the key is the native woodland mix described in the species list.

We reiterate our advice in our letter of March 2020 that the submission of a 'Landscape and Ecological Management Plan (LEMP)', to ensure the long-term success of the proposed mitigation measures, is conditioned as part of any planning permission that your Authority may be minded to grant.

We note that no photomontages have been provided to illustrate the likely effects on views on completion and following proposed mitigation, however it would appear that the landscape appraisal has informed the mitigation and that in the long term this would mitigate the visual impacts on the AONB to an acceptable level.

The proposals are likely to have some adverse visual impact on the Gower AONB during construction and on completion. In the long term, however, the proposed mitigation should reduce these impacts to an acceptable level.



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### Protected Species

We have reviewed the Phase 1 Habitat Survey (2021 update) and Ecological Management Strategy (June 2022) and whilst we have no adverse comments on the new information, we continue to advise the lighting strategy condition is added to any planning permission your Authority may be minded to grant.

Additionally, should any trees require felling or any works to facilitate the development, a preliminary bat roost inspection for trees should be undertaken to assess their potential to support roosting bats. For any trees categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) will be required in accordance with best practice. A detailed plan should be included with the submission which outlines which trees that require felling pruning, and their potential to support roosting bats.

### Pollution Prevention

Given the scale and nature of the development we advise that a detailed Construction Environmental Management Plan (CEMP) should be provided. This should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments.

### Ancient Semi-Natural Woodland

We note that an area classified as Ancient Semi-Natural Woodland (ASNW), lies within the red-line site boundary of the proposed development. The importance of Ancient Woodland is recognised in Welsh Government policy.

Woodlands for Wales (Welsh Government's Strategy for Woodlands and Trees) and planning policy (Section 5.2.9) states that: 'Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.'

Guided by these policies, there is a presumption against the loss of native woodland and particularly ancient woodland as it is a finite resource of high biodiversity value. Therefore, any proposals should consider the sensitivity of the site and avoid any impacts.

We note that Section 6.41 of the Planning Statement indicates that the proposed scheme allows for a 15-metre buffer from the area of Ancient Woodland, taking into account the root protection zones.

### 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 has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, which highlights that foul flows can be accommodated within the public sewerage system albeit that development is subject to Schedule 3 of the Flood and Water Management Act 2010. In this instance, we acknowledge receipt of a 'Drainage Strategy' (Drawing No. 001-1) which indicates proposals to dispose surface water flows to a watercourse and we would offer no objection subject to consultation and determination by the SAB.

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

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

### Housing Dept:

Swansea LDP Policy H2: Affordable Housing Strategy states that the LDP seeks to deliver a minimum 3,310 affordable homes over the Plan period. LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. In this case the application is in the West Strategic Housing Policy Zone where there is a high need for affordable housing. The most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County with the highest need being for social rented tenure.

Under Swansea LDP Policy H6, 100% Affordable Housing Exception Sites, residential proposals on sites within or adjoining existing settlements will be permitted under specific conditions. There is evidence of affordable need within this area, the highest need being for 2 & 3 bedroom housing, we would expect a mix of house types and sizes and affordable tenure as proposed, with a higher % of social rented tenure. The affordable housing must be built to DQR standard. This scheme concept is being supported by Housing for Welsh Government funding, the RSL is Coastal. The affordable housing should meet the needs of local people in perpetuity, which will be tied to the planning consent by means of legal agreement.

I can confirm that Housing is supportive of this 100% affordable housing site. The unit mix has been agreed with the Registered Social Landlord Coastal who will own and be managing the affordable housing on this site.

### Drainage Officer -

We gave comments some drainage plans via the SAB process under reference 2019/0003/SPA, however we have yet to see a full application as of yet to fully test the design and recommend that one is submitted as soon as possible. We highlight that it is possible to gain planning approval but not SAB approval.

**Education Dept.** - Final Comments (following revised plans and scheme amended to 56 dwellings):

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

Primary:

English-medium: the EM primary school (Whitestone Primary) currently has 86 surplus spaces (45.03%).

Welsh-medium: the WM primary school (YGG Llwynderw) currently has 23 surplus spaces (7.19%).

Secondary:

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English-medium: the EM secondary school (Bishop Gore) currently has 128 surplus pupil places (9.24%).

Welsh-medium: the WM secondary school (YG Gwyr) currently has 165 surplus pupil places (12.96%).

Requested Contribution:

There is no request for a developer's contribution towards education in respect of the EM school (Whitestone Primary) or the WM primary school (YGG Llwynderw).

Secondary: There is no request for a developer's contribution towards education in respect of the EM secondary school (Bishop Gore) or for the WM secondary school (YG Gwyr).

It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments. If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

### **Public Rights of Way Team -**

I've reviewed the submitted documents and would like the below comments / recommendations taken into consideration please;

- Public footpaths MU43, MU44 and MU37 are all affected by the development, and are all within the red line area of the development.
- Public footpath MU44 requires a diversion to fit the street scene of the development. This would be better dealt with at the planning stage than after planning approval has been awarded. If left until after any planning has been awarded, it can financially cost the council if the order is objected to and sent to pins and also put additional pressure on the countryside access team.
- There is mention of upgrading the public rights of way on site to bridleway. This is a good idea as it will enable links to the new active travel route that is due to commence in October 2022. To enable a suitable legal link to the active travel route, footpath MU44 and footpath MU45 should be upgraded to bridleway. This will allow access for walkers, cyclists and equestrians.
- Similarly, footpath MU43 should be upgraded to bridleway along its entire length.
- The surfaces of the (what will be bridleways) should be widened to 3m and surfaced with rolled stone, (further spec details can be supplied if required).
- All bridleways should be surfaced with rolled stone and adequate drainage ensured.
- Whilst works are ongoing on the site, temporary closures to the footpaths should be applied for by the developers. These have a financial cost of up to £2250, (depending upon advert costs). The temporary closure lasts for up to 6 months. If works are completed sooner, the paths must be reopened sooner. If works will take longer than 6 months, an extension to the temporary closure will need to be applied for. The lead in time for temporary closure applications is 6 weeks, and similarly for extension applications. The cost for extension applications is reduced due to less adverts in the press being required.
- The bridleway link towards Reigate lane would be universally welcomed by equestrians in the area. I would suggest that the best route on the ground should be investigated prior to dedication. I note in the documents provided by the developer that this path is referred to as footpath on occasion. Just to confirm, that the Countryside Access Team would look for this to be dedicated as public bridleway.

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- As with all previous correspondence regarding the proposed exchange land. The public have had a right of air and exercise on this land since 1925 and are clearly, given the number of paths across the area, making full use of this right. The exchange land is over a mile away from the development and will be of no use to the public and will not be subject to the same rights as they currently enjoy. The countryside access team objects to the exchange land. If you could supply the team with the exchange land application number it would be appreciated as I haven't seen one on site.
- As with other developments there appears to be a suds tactic of moving the water from the whole site to one area to enable removing it from site. This focuses all the water to the off-site stream that runs alongside footpath MU37, down past the Linden Christian Centre, (on council owned land), through washing house brook, a nature reserve under council ownership and management, under West cross Lane. It will then continue in the gully, (also on council owned land) until it reaches the sea. There are concerns about the additional water on the nature of the area and the potential for flash flooding further downstream than where the potential works are proposed.
- As the development has the potential to feed directly into the sea, would it be possible to put on a planning condition that no new water goods are plumbed into the system without planning approval? This would then ensure that there is less chance of miss-connections.

**CCS Commons Registration** - I have checked our records and can confirm that the whole of the application site is registered common land and forms part of CL:15 Fairwood & Clyne Common.

The applicant should be advised that any restricted works on common land will require the consent of the Welsh Ministers under Section 38 of the Commons Act 2006 or an application must be made to the Welsh Ministers under section 16 of the Commons Act 2006 to deregister an area of Common Land and to provide replacement land in exchange for the land to be deregistered.

We have no further comments to make

**CCS Trees Officer** - The drainage shown outside of the red and blue lines looks as though it can be completed without harm to the trees. In the event of approval please can you condition a tree protection plan and arboricultural method statement in accordance with BS5837:2012.

**CCS Landscaping** - Generally the landscape and Greening Infrastructure layout and arboricultural protection layouts are acceptable subject to increased specimen tree location in public open spaces without impact to informal or structured play and the relocation of new footpath to the bus stop to avoid the RPA of retained tree T87.

The observations made in the LVIA conform to current guidance and have been carried out by a suitably qualified Landscape Architect whose observations and conclusions are appropriate. I am mindful of views from and to the development as shown in the green Infrastructure Plan are indicative and the mitigation of negative impacts of the development are conditional upon the retention, coherence of boundary hedges and trees reinforced by appropriate additional planting. All of these need and can be resolved by the production of a detailed landscape plan that will need to be conditioned for written approval prior to commencement of site works.

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Tree works protection will be commented on separately by the Tree Officer.

(b CCS Gower AONB Team Leader) - I note that the application site lies approximately 150m from the boundary of the Gower Area of Outstanding Natural Beauty. In that context, I have noted the evidence and assessment relating to the landscape and visual impacts of the proposed development on the AONB and I have also noted the comments already provided by Natural Resources Wales (NRW) in their letter to you dated 3 March 2020.

I concur with the view and recommendations provided by NRW. In addition to those, I have concerns that the lighting systems associated with the proposed development may cause light pollution with consequent impact on the dark sky quality of the AONB. Gower is one of the last substantial areas in South Wales with a dark night sky and the AONB Partnership is preparing an application to become an internationally accredited 'Dark Sky Community'. As part of our Action Plan to demonstrate and maintain that status, we are committed to updating the AONB lighting guide within the next year - so that it can become SPG to the newly adopted LDP - and therefore act as a material consideration in any planning application affecting the AONB.

Therefore -should the application be approved - I recommend that a planning condition be attached to require a detailed Lighting Strategy to be submitted and to and agreed in writing by the LPA in consultation with NRW. The lighting strategy and design should include consideration of the requirements for bats (as already recommended by NRW), as well as minimising light pollution impacts on Gower AONB.

**CCS Nature Conservation** - Planning condition CL12 must be placed upon this application.

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

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

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

### **CCS Planning Ecologist-**

Initial comments - July, 2020

Bats - Please include the standard Bats informative. Low to moderate levels of bat activity were recorded from 7 different species.

Condition: Pre-construction/site clearance checks for any evidence of bats and nesting birds shall be undertaken by an Ecological Clerk of Works, taking appropriate action if any are located.

Condition: A bat roost assessment shall be undertaken of any trees destined to be felled. Felling shall be undertaken under a Method Statement and supervised by a licensed bat ecologist.

Breeding/nesting birds - Please include the standard Birds informative.

Conditions: No clearance of trees, shrubs, scrub (including gorse and bramble) (or empty buildings) shall be undertaken during the bird nesting season, March to September inclusive.

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Hedgehog - There are local records of hedgehog. 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. As per details contained within section 6.2.2.6. of the report, a number of conditions apply to protect hedgehogs around the site.

Reptiles - The submitted information (Stage 2 Ecology Report) states that reptile surveys were undertaken in September/October. Slow worm and common lizard were recorded. However, this is not the ideal time of year for reptile surveying, which is generally April, May and September if weather conditions allow. There was also a relatively low survey effort due to apparent lack of access to suitable habitat. The reported results do not therefore necessarily reflect the true population size of reptile species on the site.

Condition: A reptile mitigation strategy is required to be submitted to the LPA for approval prior to determination. This shall include details of creation of new reptile habitat and enhancements.

Condition: Any vegetation clearance shall be undertaken avoiding the main hibernation period (October-March inclusive).

Condition: Pre-construction checks for any reptile species shall be undertaken by a suitably qualified Ecologist.

Please include the informative: British reptiles.

Habitats/SINC mitigation/Exchange land

The submitted documentation states that loss of 0.5% of the SINC's Section 7 habitats will be mitigated by restoration of an equivalent extent of the SINC within the developer's control to purple moor-grass and rush pastures. A method statement is required to be submitted to the LPA for approval prior to determination. The report shall detail the restoration and future management of the habitat for biodiversity. Section 4.7 also proposes scrub planting to mitigate loss of habitat for commuting and foraging bats. Further detail of this proposal is required to be submitted to the LPA for approval prior to determination.

The submission of the document entitled: 'Exchange Land at Clyne Common, Swansea: Ecological Appraisal Report (Issue 1)', dated April 2019, by Soltys Brewster Ltd is acknowledged. However, Section 4.3 of this report confirms that the habitats within the proposed exchange land differ from the proposed residential land at Clyne Common and as such would not directly replace the habitats lost as part of the proposed residential development. Replacement ratios of compensatory habitat greater than one-to-one will be required. This is because of the uncertainty inherent in compensation, (particularly in cases which require ecological restoration, habitat creation or translocation of species or habitats) including the length of time needed for replacement habitat to provide the same level of ecosystem services as those lost.

An ecosystem approach should be adopted when considering compensation proposals and applicants should be able to demonstrate how the five key ecosystem resilience attributes have been taken into account. (See DECCA). This approach ensures that the compensation is appropriate in terms of the wider ecological functions/ecosystem services it will provide.

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PPW requires that where compensation is sought it must secure a net benefit for biodiversity. Therefore, additional details of the proposed mitigation, compensation and enhancements are required with regards to the loss of part of the Clyne Common and Golf Course: Site of Importance for Nature Conservation (SINC) and the exchange land site, prior to determination.

There is also a requirement for a long-term management plan for the proposed new area of compensation common land together with method statements for monitoring and feedback to the LPA.

### Landscape Strategy

Native species of trees, shrubs, hedgerows and wildflowers should be planted as part of the wider landscape scheme design of the proposed development, to mitigate loss of habitats for protected species. The use of 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 for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats.

Condition: A Landscape and Planting Scheme strategy shall be submitted to the LPA for approval, prior to determination. This shall indicate any trees destined for felling, and other vegetation removal, plus mitigation planting proposals and retention of boundary hedges and trees and ongoing management for biodiversity.

### Hedgerows

As hedgerows are a priority habitat, efforts should be made to retain and enhance these within the development. Retained hedgerows should be buffered from surrounding development, and not incorporated into domestic boundaries. Protection of the hedgerows and adjacent areas must be agreed with the LPA and established prior to any determination/works commencing.

Condition: A Hedgerow Management Plan is required to be submitted to the LPA for approval prior to determination, detailing measures/methodology for the retention, enhancement and creation of the hedgerow resource, and on-going management.

Landscape and Ecological Management Plan (LEMP) Condition required.

Construction Environmental Management Plan (CEMP) Condition required.

### Lighting strategy

I note that Section 4.6 of the Stage 2 Ecology Report recommends a sensitive lighting design for the proposal and that further principals and explanations are given in Appendix III. However, this is not a complete and detailed lighting strategy and therefore a lighting strategy condition is required.

### Invasive Non Native Species (INNS)

An INNS Management Plan will be required prior to construction which will provide a methodology for the construction works, so that the works avoids spreading INNS within the Site and off-Site. Pre-commencement checks for INNS are required.

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### SuDS/GI

We encourage SuDS in all 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 GI Strategy, rain gardens/wetland reens and an attenuation area are proposed. The drainage strategy indicates swales (600mm deep) and 4 x 300 metre deep wet micro pools with rain gardens/bio-retention area and 2 larger attenuation basins.

The design of these shall incorporate the following objectives:

- 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

### Ecological enhancement

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.

Ecological Enhancement Measures Condition required.

### Additional Comments

The additional comments below apply to the amended/revised plans and documents submitted 1 July, 2022.

Habitats/SINC mitigation land: The submitted Ecological Management Strategy states that loss of the SINC's Section 7 habitats located on the development site will be mitigated for by restoration of an equivalent extent of the SINC within the developer's control to purple moor-grass and rush pastures.

The Phase 1 Habitat Plan ref E1883010/DR09 dated 19/3/21 shows habitat types located within the wider survey area. However, I advise that the EMS document is confusing with regards to exact details of the proposed mitigation area (to cover for loss of the SINC on the development site).

Therefore, a specific document is required with details of all of the proposed management for the SINC mitigation/offsite compensatory habitat, enhancement of the site, protection of the site, future management of the site for biodiversity (including ownership and responsibility for ensuring long-term management), length of time needed for replacement habitat to provide the same level of ecosystem services as those lost, reptile mitigation strategy (including translocation details and construction of hibernacula and refugia as enhancements), together with method statements for monitoring and feedback to the LPA.



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Landscape Strategy: the proposed planting of herbaceous species and shrubs shall be improved to include a much wider range of native species of local provenance, and also those suitable for encouraging pollinators. In addition, the proposed bulb species shall also include native species.

Invasive Non Native Species (INNS): The submitted documents refer to the presence of rhododendron. An INNS Management Plan will be required prior to construction which will provide a methodology for the construction works, so that the works avoids spreading INNS within the Site and off-Site. Pre-commencement checks for INNS are also required.

SuDS/GI: The Drainage Statement quotes biodiversity re: principles of SuDS and SuDS standards. However, there is nothing contained in the document to explain how this development will benefit biodiversity or achieve these biodiversity aims. It is also noted that as part of the GI Strategy, rain gardens/wetland reens and attenuation areas are proposed. The Drainage Strategy indicates swales (600mm deep) and 4 x 300 metre deep wet micro pools with rain gardens/bio-retention area and 2 larger attenuation basins.

Further information is required to be submitted regarding how the drainage/SuDS achieves the following:

- Contributes to habitat connectivity and to the delivery of local biodiversity objectives
- Creates diverse, self-sustaining and resilient ecosystems
- Supports and protects local native habitats and species
- Provides wildlife habitat and visual interest by planting with native marginal and emergent aquatic species and native terrestrial vegetation of local provenance
- Ecological enhancements Condition requirements should include:
  - 7 x Cambrian bat tubes (or similar)
  - 21 bird boxes consisting of 7 x Manthorpe (or similar) swift bricks, 7 x Vivara Pro (or similar) house sparrow terraces, 7 x Vivara Pro (or similar) house martin nesting cups
  - bee bricks for solitary bees installed in 10% (6 no.) of the houses (placed in a warm sunny spot, preferably south facing with no vegetation in front of the holes, around 1 metre from the ground)
  - hedgehog gaps in garden boundaries
  - reptile refugia

**CCS Pollution Control Dept.** - We have no conditions for this application but would like to add informatives in respect of construction noise; Smoke/ Burning of materials; dust control and lighting.

### **Local Highway Authority -**

Initial response - 20 March, 2020

The application site comprises a green field parcel of land abutting Chestnut Avenue at its Southern boundary. The site was subject to a Pre-Application in 2018, to which Highway comments were provided, and a Statutory Pre-Application Consultation in 2020.

The site is located on an area of currently Common Land on the Northern side of Chestnut Avenue, West Cross, and will comprise 58 units of affordable housing. A Transport Statement accompanies the submission to assess the site in terms of transport and accessibility.

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### Trip Generation

The site is well located to take advantage of sustainable travel options, close to many local facilities, public transport and schools. The potential vehicular trip rates have been estimated using the TRICS database, site selection criteria are seen to be acceptable and the resulting trip generation correct. Maximum hourly 2 way flows are 27 and 29 vehicles in the AM and PM peaks respectively which has a maximum net effect on nearby junctions of around 5%, well within a normal daily fluctuation.

Pedestrian routes from the site are of good quality, and existing PROWs could provide useful links to Clyne common, and the planned shared use path from Mayals to Murton, it is likely that there would be a request for a section 106 contribution to ensure sustainable links to the new cycle network are safe and suitable, in line with the Active Travel Act.

### Access

Site access is proposed via a new simple priority junction, this is considered appropriate given the scale. The access layout seems acceptable, adequate visibility can be achieved in both directions.

Swept Path analysis of the access junction has been provided, the swept path fails for a large refuse vehicle. Large service type vehicles should be able to enter and exit without crossing onto the opposite side of the carriageway both internally and externally.

A stage 1 RSA of the access has been requested at PAC, and this should be provided prior to determination.

Footway provision along the Northern side of Chestnut Avenue runs on the internal side of the retained hedgerow, this is acceptable and provides a continuous pedestrian route to local bus stops. All access works will be delivered under a section 278 agreement with the Local Highway Authority.

Traffic calming has been proposed in the immediate vicinity of the site access, it would be preferred to extend this into a 20mph zone, potentially including Mulberry Avenue. As mentioned in previous comments, a section 106 contribution will be sought to facilitate this.

### Internal Layout and Parking.

Internally the main site street appears to comprise 5.5m carriageway with 2m footways, this should be suitable for adoption. Further into the site the arrangement is less formal, with some shared driveways.

There is concern over the number of properties accessed from these shared drives, which should be a maximum of 5 units, where accessing more than 5 units this should be built to full adoptable standard. This is of particular concern for the driveway to the West of the site serving 8 units. This will not be accepted.

Swept path analysis has been provided and demonstrates all areas of the site are accessible to service vehicles and that 2 vehicles are able to pass.

There is concern over some of the parking arrangements. Parking has been reduced to a maximum of 2 per unit, this is acceptable, and should be provided within the curtilage of the property.

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Some of the spaces such as those serving plots 7, 12, 17, 20, 23, 24 and 17 are quite distant and disconnected from the properties they serve and would likely result in on street parking either internally or on Chestnut Avenue.

Internally footways are largely provided throughout, there is concern over pedestrian access to plots 40-45, the internal footways do not directly connect to the private driveway.

**Contribution to local improvements**

The applicant has proposed speed reduction measures on Chestnut Avenue, this is supported, but should be extended to include Mulberry Avenue, and the provision of 20mph limits.

The maximum Highway Contribution for a development of this size at this location would be £42,754, the speed reduction measures along Chestnut and Mulberry Avenue would require a likely maximum contribution of £30,000.

**Conclusions**

The site is located in a sustainable location with good access to local facilities, schools and bus routes. The potential trip generation is well within a normal daily fluctuation, and as such not thought to pose any significant effect on the surrounding network.

Subject to satisfactorily addressing the issues raised above, the Highway Authority would likely provide a positive response.

Further Response - 9 Feb. 2023

We have reviewed the submission of revised information, in general these offer welcomed improvements on some of the items and issues that we have set out over the recent exchanges. Please see below for our recommendations and guidance:

**General:**

It is positive to note that the draft design guide is being referred to. To answer previous representations, we would share that the advice in the guide provided on carriageway widths and radii is intended to help inform masterplan design. It does also set out that these must then be demonstrated to work through appropriate swept path assessments. We therefore do focus a significant part of any audit of submissions on this area. These analyses do also help to inform us, from early stages, whether the layout could be considered as a candidate for adoption. The consultation responses and guidance given seek to benefit applicants who wish to offer internal layouts for adoption and also reduce the time taken in detailed design discussions for the applicant and the Council.

The plans which has been received set out a site plan 'Rev AC' and a packaged of swept path analyses.

The plans showing forward visibility and junction visibility, such as Plan 184191\_A06 Rev P, show that these can be achieved outside of any land that would become privately owned. They indicate treatment in the affected areas would need to include landscaping below 0.6m. We would confirm that this is the maximum mature height that would be considered and also add that the areas within any splays are required to be dedicated as Highway.

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### Swept Path Analyses:

The package of swept path analyses for the site have been updated and appear more robust and detailed, this is well received.

The location of driveways which have been suggested for swept path assessment have been addressed and these have been used to create Plan 184191\_AT\_A04 Rev G. The manoeuvres which take place on the carriageway work, there are areas which cause issues at the boundary of parking spaces or along landscaping edges. The vehicle used is robust and there are no issues with approach to the analysis. Ultimately there could be more manoeuvres needed to access parking spaces, increased maintenance requirements for landscaped areas and potential for blocking or damage of parked vehicles. We would recommend localised widening of the drive entry through the SUDs features as this may be a maintenance concern in any SAB adoption.

The consideration of a box luton van passing a car in opposite directions throughout the development has seen an update using a robust vehicle being for the box luton. The two paths through the central corridor have improved, and now have fewer areas which cause concern. The path of vehicles through the area at parking plot 20 does overhang the carriageway edge and parking, although given that the carriageway is a shared surface in this area, the vehicles could use more of area marked for footway and therefore not now concern.

The path of vehicles at the corner of the loop near parking plot 42 does still require overhang or overrun of areas outside of the highway, this remains an issue and should be addressed (see also below in refuse vehicle movements).

Fire tender swept paths, Plan 184191\_AT\_A03 Rev N, indicates that the vehicle can access and turn, albeit close to edges at some points.

The Refuse Strategy Layout Plan 1012 is useful in showing how the layout could be served. The blue and green 'Occupant' and 'Refuse Handler' carry and collection distances should have the distance set out for clarity. The blue zone would need to be adjusted to include Plots 18 and 19 for completeness.

Swept path analysis for refuse vehicles has been considered in further detail by the applicant and sets out information on a refuse vehicle in plans 184191\_AT\_A01 Rev O (site access) 184191\_AT\_A02 Rev N (internal layout) and 184191\_SK01 (passing a parked car). In general we can accept the wider layout could work, the areas of concern again appear to be the turns at the central route and the south east corner of the loop near parking plot 42. The swept path does not provide confidence that vehicles, service or delivery, could navigate the area safely and should be redesigned.

### SUDs:

It was requested in the past that the water management features have a buffer around them, to be provided at around 2.0 metres to allow for maintenance margins. The response set out that these features are to drain the highway, they are required next to the highway and the exact dimensions will be agreed through the SAB and Section 38 processes. It was requested whether the LHA request was made in accordance with CCS SAB/Drainage Policy.

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This is experienced advice to help produce a workable layout for adoption of highways and by SAB. However, if the applicant is certain that they have developed the strategy sufficiently, we can review at the SAB application and provide representation at that point.

### Parking Allocation:

The parking provided in a perpendicular format to provide parking for plots 19 through to 21 (inc. 18, 17 and 16) was marked for attention in the previous advice. The guidance is that parking located with the adopted highway cannot be allocated to individual plots, a footway and carriageway which are adopted and separated by private parking would cause a maintenance and liability issue and would also not be acceptable. We would suggest a potential solution may be to provide a standard width footway adjacent the carriageway, designed with a lowered kerb, crossover arrangement to the allocated parking bays behind. It was advised that the arrangement, as proposed, may cause issues in drainage conveyance and that areas containing trees would need to remain privately managed. The applicant has responded to confirm that this will be a private path which they are not proposing to have adopted. This is considered to present a risk that this and adjoining sections may not be considered suitable for adoption, given the need to design interfaces, drain and maintain. If this not resolved at planning as identified, the issues will be carried forward to detailed design where they may become more of an issue.

### Notes:

Some of the SUDs features now overhang into the highway where the carriageway has been realigned. We have made our comments on the basis that the kerblines will be provided as show (and the SUDs trimmed).

As stated before, we advise applicants that street lighting may be an issue with the SUDs and tree planting arrangement shown and early consideration is advised.

### S106:

To help provide clarity on the level of S106 contributions sought we can confirm we request contributions for:

- Speed reduction and traffic management measures along Chestnut Avenue and Mulberry Avenue as part of a wider programme for improvement.
- Enhancements to PRoW MU43 to provide an active travel link cycle network along Clyne Common. These will be modest in scale to facilitate draining and provide all weather use.

As set out in the past, the maximum Highway Contribution for a development of this size at this location could be £42,754. The requested total is for £30,000 to provide contributions for both of the items described above.

## Strategic Planning - Initial Comments

### Appraisal

Overview - This is a full planning application for the construction of 58 affordable homes submitted on behalf of Coastal Housing and Ashgrove Partnerships.

Principle of development - Having regard to the adopted LDP urban settlement boundaries, the site remains located outside of the urban area boundary in countryside, as was the case under the previous UDP.

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Following a review of the UDP green wedges, it has been concluded that for the LDP, the further designation as a green wedge to prevent settlement coalescence is not necessary at this location, and other Plan policies will control development in the countryside. The principle of the site being within the countryside but adjoining the settlement is unchanged between the LDP and previous UDP but the site is no longer designated as part of a green wedge.

During the LDP process, the application site was submitted to the Council as a 'Candidate Site'. The LPA undertook a detailed Candidate Site Assessment of the site as part of the LDP process and following this, the Site was put forward by the Authority as a potential 'exception site' as part of the non-statutory Pre-Deposit Proposals Map, which was subject to public consultation for approximately 6 weeks and concluded in January 2015. Details of the Assessment are available on the Council's web pages

<https://www.swansea.gov.uk/LDPPA>. Following the consultation at Pre-Deposit stage, a number of objections were submitted by responders and there followed a further process of engagement with Elected Members. This included the site being one of a number that were presented to Planning Committee on the 11th June 2015, where the comments raised by objectors were set out for consideration (see report at: <https://democracy.swansea.gov.uk/documents/s21837/Committee%20Report%2011%2006%2015%20Part%201.pdf?LLL=0>)

The following issues were highlighted to Committee Members in relation to the site: the lack of any clear physical ground features; the location within a SINC and adjacent to Ancient Woodland and related ecological issues; PROWs crossing the site; an issue of surface water flooding; and the consultation response from Natural Resources Wales (NRW) which highlighted the matter of Common Land and Open Access Land.

At a meeting of Council on the 24th September 2015, Council Members voted in favour of the decision of the Planning Committee not to allocate the site within the Deposit LDP due to uncertainty as to its delivery within the timeframe of the LDP and that other more suitable sites existed at that time for designation in the Deposit Plan (an extract of the report is contained within Appendix 7 of Examination Document ED0.67

[https://www.swansea.gov.uk/media/23994/ED006.7-SC-Additional-Info-Candidate-Site-Processand-Methodology-6-Dec-/pdf/ED006.7 SC Additional Info Candidate Site Process and Methodology 6 Dec 17.pdf](https://www.swansea.gov.uk/media/23994/ED006.7-SC-Additional-Info-Candidate-Site-Processand-Methodology-6-Dec-/pdf/ED006.7%20SC%20Additional%20Info%20Candidate%20Site%20Process%20and%20Methodology%206%20Dec%2017.pdf)

It should also be noted that the site was presented by the Agent as an alternative site (ref:AS(N)012) at Hearing Session 16 of the Examination on the 21st March 2018. The Council's response is published in the following Hearing Statement:

[https://www.swansea.gov.uk/media/25234/HS16-SWANSEA---Alternative-Sites/pdf/HS16-SWANSEA - Alternative Sites.pdf](https://www.swansea.gov.uk/media/25234/HS16-SWANSEA---Alternative-Sites/pdf/HS16-SWANSEA%20-%20Alternative%20Sites.pdf).

The Council response stated simply that it considered, having regard to the proposed settlement boundary, that the site would represent an unjustified intrusion into the countryside with the settlement boundary clearly defined to the south of the road, thereby failing Policy CV 2. The Site would have landscape/visual impacts potentially impacting on the nearby AONB failing policy ER 4, with no defensible boundaries.

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Strategic Policy PS 1 sets out the LDP's approach to sustainable development. In order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy that requires development to be directed to the most sustainable locations within the defined settlement boundaries of the urban area and Key Villages; and inappropriate development in the countryside is to be resisted. The settlement boundaries of the urban area are shown on the LDP Proposals Map and have been carefully assessed to follow logical physical features wherever possible. Outside the defined settlement limit development is strictly controlled, and will generally only be supported in accordance with Plan policies, and/or if a countryside location is deemed essential given the nature of the proposal, in-line with National Planning Policy and Guidance. The consideration of potentially appropriate housing beyond settlement boundaries will be made having regard to LDP Policy CV 2 Development in the Countryside. This is further reinforced via LDP Policy PS3 which states that in all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development.

Policy CV 2 sets out that there is a presumption against development in the countryside, however it also defines specific exceptions to this general presumption, which includes affordable housing to meet local need at acceptable and sustainable locations within, or infilling, or adjoining settlements.

The LDP sets out that provision will be made to deliver a minimum 3,310 affordable homes over the Plan period through a number of means, including by allowing for affordable housing exception sites at appropriate locations adjoining settlement boundaries. Policy H 6 provides a clear framework for determining 100% affordable housing exception sites adjoining settlements, and that they will only be permitted where:

- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

I consider the assessment of the site against the abovementioned criteria to be key to determining the application and to resolving whether it can be considered an acceptable location for new affordable homes. I have provided my comments on the proposal with reference to each of these criteria to assist this assessment process, which are as follows:

- It will need to be determined whether, on the basis of it being an affordable housing exception site, the site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement. This analysis will need to be made after careful consideration of aspects discussed below, including landscape impacts, and whether the site has a defensible boundary.

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- The planning statement accompanying the pre-application helpfully sets out the proximity of bus services, medical facilities, schools, and shops demonstrating the site is in a sustainable location in this regard.
- The current proposal is for 58 units, 24 of which would be 2 bedroom, 24 3 bedroom and 10 1 bedroom (with 12 apartments, 8 bungalows and 38 houses). The Council's Housing Enabling Officer will need to confirm the acceptability (in terms of meeting the local housing needs of low or moderate income groups in the area) of the tenure mix (social rented and intermediate split), the dwelling types and bedroom mix; and the design/dimensions of the properties in terms of meeting the identified local need and DQR standards.
- A legal agreement and/or conditions will be required to ensure that the agreed percentage of affordable housing for local needs is delivered and that the type, mix and local occupancy restrictions meets the Council's objectives of providing affordable housing in perpetuity. It is noted that the planning application is on behalf of Coastal Housing Group in partnership with Ashgrove Partnership, and the Council would seek a commitment to build and manage the affordable homes, and that a legal agreement is the preferred mechanism to ensure that the units delivered are retained as affordable units in perpetuity. 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).
- The Council would point out, in response to paragraphs 5.22-5.25 of the applicant's Planning Statement, that the Council does have a 5 year housing land supply following adoption of the LDP. It is though welcomed that the applicant highlights the high level of need for affordable housing in West SHPZ and the low number of opportunities for housing site provision of 10+ units in the Zone, which is acknowledged in the LDP.
- Confirmation will be required, partly through the consultation responses received from the relevant specialist Council's Officers that the site does not comprise anything of important natural heritage value or loss of public amenity or recreation space (these aspects are discussed below).

Placemaking - LDP Policy PS 2: The Policy 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 as well as others: i. The proposed development should have regard to landscape, views and vistas; 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.

In relation to the landscape, views and vistas, it will need to be determined if the applicant has sufficiently demonstrated compliance with LDP policy ER 4 that 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.



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The site is registered Common Land, which is acknowledged by the applicant. The Agent states that the process of de-registering the land and finding replacement land is being progressed, with a potential area of land identified which according to the applicant is acceptable to the Commoners and results in a net increase of common land space. It should be noted that should this be successful and the site is 'de-registered' that it is the responsibility of the land owner to fence the site off from the surrounding common (i.e. to stock proof the site), not the Commoners' responsibility. This should be considered when looking at the site layout, particularly the PROWs through the site. The LDP does not contain any specific Policy in relation to common land for the reason that the Plan should not repeat national planning policies. Planning Policy Wales paragraph 6.3.17; 6.3.18 states that common land is a finite resource and should not be developed unnecessarily. It is important in agricultural terms and valued for its leisure and environmental interests, particularly its significant role in habitat conservation. Access to it should not be prevented or impeded unnecessarily to ensure its proper management. The role and wider value of common land should be explored through Green Infrastructure Assessments. In addition to planning permission, certain works which prevent or impede access to or over common land or involve new resurfacing require consent from Welsh Ministers. Where planning permission is being granted to develop on common land, an advisory note should be attached stating that the consent of the Welsh Ministers may also be required under common land legislation. This may be required under the various common land legislation, the most usual being Section 38 of the Commons Act 2006 or Section 16 of the Commons Act 2006. It will need to be determined whether the replacement land proposed would make development of the site satisfactory in this respect.

There is a total of 1.2 ha per 1000 head of population of FIT provision within West Cross ward which equates to 1.2ha under the recommended target (Open Space Assessment Report 2016, Swansea Council). FIT recommends breaking down the standard to identify 'Outdoor Sport', 'Children's Playing Space' and then further breaking down Children's Playing Space to identify Equipped Playgrounds. West Cross does not meet all of the required targets with 0.8 ha for Outdoor Sport, 0.4ha of Children's Playing and 0.008ha of Equipped Playgrounds. The ward has 32.8ha per 1000 head of population of ANGS, 30.8ha above the recommended target, so the loss of 1.9ha of tier 3 ANGS provision would not lead to a deficiency of ANGS within the ward (in accordance with LDP Policy SI 5). Any alternative land which is provided as recompense for the loss of this site would have to be open access land. The area is deficient in children's play space.

The proposed provision will need to be assessed in accordance with the FIT guidance set out in Six Acre Standard Document, and the Council's Open Space Assessment and Open Space Strategy in accordance with LDP Policy SI 6.

Green infrastructure (ER 2) and biodiversity (ER 28,9,11) - Green Infrastructure (ER2) is a central facet of the Plan and placemaking. The site forms part of a designated SINC and the applicant describes that there is a group of trees at the northern boundary of the site designated as Ancient Woodland. It is not clear from the applicant's constraints map whether the ancient woodland is within the site boundary. 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.

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Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development will not normally be permitted that would result in fragmentation or loss of Ancient Woodland, including development in close proximity to within 15m of Ancient Woodland and Ancient and Veteran trees. Any consideration of the application would need to justify the loss of SINC habitat in accordance with LDP Policies ER 6 and ER 8 which seeks to ensure that development that would adversely affect the resilience of protected habitats and species and locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Detailed comments will be required from the relevant specialist Council Officer to determine whether the proposal complies in these respects.

The Agent acknowledges that the site falls within a Safeguarded Category 2 Sand and Gravel Resource area and claims that 'as the land is Common Land it is considered highly unlikely that it would be released for mineral extraction during the lifetime of the plan period'. The argument is not appropriate since the applicant is seeking to change the use of the land. Safeguarding mineral reserves are not intended to be released during the Plan period, but to be safeguarded in the long term for future generations and their needs (i.e. longer than the development plan period) in accordance with national planning guidance. In accordance with national planning policy and LDP Policy RP 13, sterilisation of safeguarded mineral reserves is prohibited unless the applicant can demonstrate that any of the criteria in the policy apply. Notwithstanding this, it should be noted that the policy supporting text acknowledges that it is unlikely that mineral extraction itself will be appropriate within or adjacent to settlement limits, due to environmental and amenity considerations.

Highways and Active Travel - The transport requirements for this development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of the site to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. It is noted that the proposal seeks to divert the PROW through the site and connect with existing PROW provision. The views of the Council's Rights of Way Officer should be sought on the detail of the proposals.

The site is located in close proximity to a public bus stop, in accordance with LDP Policy T1 (iv.). 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. Similarly, waste management colleagues should be consulted to ensure that the design and layout of the proposal allows for the access of refuse collection vehicles and personnel in accordance with LDP Policies T5 (iii) and RP 10.

The LDP provides specific policies on Education (SI 3), social infrastructure (SI 2) provision and mitigation of impacts of development. It is expected that detailed comments will be provided from the relevant Council department(s) for consideration. These comments should be referenced against the LDP policies listed above to assess compliance of the proposals.

Light pollution - (policy RP 3) It should be determined whether the development could lead to exposure to a source of light pollution and if so 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.

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Utility Infrastructure and drainage - In-line with Policy EU4, the proposal will need to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. The proposals will need to be determined with regard to compliance with Policies RP 4 and RP 5 regarding SUDs and avoidance of flood risk, which is likely to be surface water rather than other forms.

### Summary

The proposal is for 100% affordable housing for local needs, adjacent to the urban settlement boundary, in the locality of West Cross. The LDP, and national planning policy do allow for permission to be granted for 100% affordable housing within and adjoining settlements, subject to the LPA being satisfied that specific tests/criteria are met that justify the proposal being an exception to the restrictions that would otherwise apply for market housing in the open countryside.

In principle, the provision of a significant number of affordable homes in this Housing Policy Zone would certainly be welcomed, having regard to the high levels of need identified and limited opportunities for housing development acknowledged in the LDP, if the development is determined to be appropriate at this location. Given the priority placed by both the Council and Welsh Government on the delivery of affordable housing, the scheme's potential contribution to meeting local needs in this regard carries significant weight in my view. The application makes clear the proposed homes would be 100% affordable housing in compliance with policy requirements, however confirmation is required from the Council Housing Officers that the types, size and tenure mix proposed are suitable in terms of meeting the latest evidenced needs and DQR standards.

Ultimately, in order to be recommended for approval, the need for affordable homes must be balanced against the assessment of whether the scheme sufficiently accords with the key criteria against which a 100% exception housing development is required to be judged. This on balance decision has to be made with specific regard to the characteristics and constraints of the site as outlined above.

Having regard to the criteria in LDP Policy H6, my view is that, based on the submitted information and discussions with the applicant, that criteria ii) - v) is capable of being suitably addressed in this case. With regard to the remaining criteria, the LPA must ultimately determine whether the proposal would result in a sufficiently logical extension into designated countryside that can be argued to follow a logical or defensible settlement edge (Criterion i), and whether there is sufficient evidence to demonstrate that the loss/potential impact on Ancient Woodland and/or SINC habitat and species is capable of being adequately mitigated (Criterion vi). With regard to the latter, the observations of the Council's Biodiversity team will clearly be important to confirm whether this criterion can indeed be addressed. Related to these issues, and also with regard to criterion vi, it will be important to determine whether the loss of Common Land and mitigation proposed is satisfactory. Compliance with these criteria must certainly be balanced against the provision of the much needed affordable homes at this location, which I have highlighted is consistent with policy objectives.

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**Further Strategic Policy Comments following changes to the Development Plan (Future Wales) and national policy and guidance to inform determination of planning application.**

**Placemaking and Green Infrastructure (GI)**

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

The requirement for a strategic placemaking approach to decision making is set out in Future Wales Policy 2 'Shaping Urban Growth and Regeneration, Strategic Placemaking', which sets out principles to be followed to shape urban growth and regeneration. The policy states that development should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with GI. Future Wales makes clear that specific opportunities should be identified, including through GI Assessments, to ensure that GI is fully integrated into development schemes.

Similarly, placemaking and GI is central to the Swansea LDP, as emphasised in Policies PS 2 and ER 2. These state that all proposals should be assessed having regard to these key principles, and should enhance the County's GI network. Policy PS2 also emphasises that development should enhance the quality of places and spaces, and respond positively to the aspects of local context and character that contribute towards a sense of place. The policy states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity. With regard to this need to address key placemaking principles, including the integration and delivery of multifunctional GI within the proposal, it is necessary for the Delegated/Committee Report on this application to set out whether the policy requirements have been met in this regard. In terms of GI, this means highlighting whether appropriate opportunities to retain existing GI networks, or plugging identified gaps in the network have been explored at all relevant scales of the development.

In relation to the requirements for due consideration of Green Infrastructure measures on this application I would refer you to the detailed comments previously provided by Officers in the Placemaking and Strategic Planning Section.

**Biodiversity Enhancement**

Complementary to the requirements for GI considerations, the Development Plan (comprising Future Wales and the Swansea LDP) places significant emphasis on the use of innovative, nature based solutions to site planning and design of the built environment, and specifically highlights these as key elements for successful placemaking. The Council also has a legal duty under Part 1, Section 6 of the Environment (Wales) Act 2016 ('the S6 duty') to seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. At the local level, this is embedded within the Local Well Being Plan and the Council's corporate priorities. Relevant extracts Legislation, Guidance and Development Plan Policies and SPG are provided at Annexes A and B.

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Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance biodiversity, ecosystem resilience and green infrastructure assets. This policy requirement is supported by the guidance in PPW that sets out the requirement for a 'stepwise approach' to considering biodiversity in the planning process and securing overall enhancement. PPW emphasises development should consider the significant opportunities provided by nature based solutions to maintaining and enhancing green infrastructure. By taking this approach, development proposals can contribute to the "Resilient Wales" Goal of the Well Being of Future Generations (WBF) Act 2015, and assist in meeting the relevant requirements of the SUDs guidance and legislation. It is critical that proposals are assessed against Future Wales Policy 9, and having regard to the key placemaking, design and GI principles set out in Swansea LDP Policies PS 2 and ER 2 in all cases and policies H6 criteria vi, ER6, ER8, ER 9 and ER11 were identified as relevant for ecology/biodiversity matters.

The Council has adopted SPG entitled "Biodiversity and Development" which sets out how the LPA will apply the PPW required 'Stepwise approach' at the local level. It is necessary for the Delegated/Committee Report for this application to set out whether the stepwise process has been followed, and confirm whether appropriate enhancement is proposed to deliver biodiversity net benefit, ecosystem resilience and an integrated network of GI. This will enable the Council to demonstrate appropriate compliance with the relevant legislation and policy.

The Stepwise requirements for applicants to follow are as follows:

**Step A - Identify:** In all cases, Step A of the Stepwise process requires the early and accurate identification of potential ecological impacts and opportunities of the development proposal. The LPA will need to be fully satisfied that the ecological constraints and opportunities are fully understood, by way of an initial check of the most up to date ecological information to establish the likely presence of protected species, habitats, sites and areas of important ecological connectivity. The SPG provides guidance on relevant data sources, which includes a search of the LERC records, reference to SPG Appendix 1 Checklist of potential surveys required relating to location and type of development, and the Council's Connectivity Assessment. Where initial checks identify the need for further surveys this should be communicated to the applicant as soon as possible. The Council's ecologist should be consulted where further guidance is required who may require a PEA is prepared.

**Step B - Avoid:-**This step requires applicants to demonstrate that all reasonable steps have been taken to avoid development resulting in adverse effects on biodiversity, and that there is no alternative location for the development. (See SPG Step B and Policies H 6 criteria vi, ER6, ER8 and ER9).

**Steps C through H:** Once the impacts of the development have been identified, and the principle of avoidance considered and documented, the SPG highlights steps C through to H which provides a process to be followed to consider how proposals have sought to minimise, mitigate and/or compensate for any identified harm. Step F in the stepwise process specifically provides guidance on how to achieve enhancement to provide net benefit for biodiversity, proportionate to the scale of the development.

In the case of a major application for a residential development, such as this, the following sections of the SPG Appendix 2 are relevant: Figure A2.1, Figure A2.2, and paras A2.11 to A2.18.

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Consultation with the Council's Ecologist and Tree Officer should be sought on the acceptability of the detail of the measures proposed in respect of biodiversity matters. Specifically whether the extent of any biodiversity mitigation, compensation and enhancement required is considered to be proportionate to the size, nature and location of the proposal, and whether the measures proposed have considered the five attributes of ecosystem resilience set out in PPW.

### Socio-Economic Duty

The Council has a legal duty to consider how its decision making might help reduce the inequalities associated with socio-economic disadvantage, in particular its key decisions that affect how the Council fulfils its statutory requirements. The overall aim of the duty is to deliver better outcomes for those who experience socio economic disadvantage. One of the ways in which decision making on planning proposals can address the socio-economic duty is to consider how proposals contribute to the seven Goals of the Well Being of Future Generations (WBF) Act 2015, including securing 'A Prosperous Wales', a 'More Equal Wales' and 'A Wales of Cohesive Communities'.

### **Placemaking and Strategic Planning Appraisal - Additional Comments (following receipt of amended plans & description of development):**

#### Overview

The application seeks the construction of residential development comprising 56 affordable units (100% of proposed dwellings affordable homes) with associated access, parking, landscaping and ancillary infrastructure and drainage works. The application site measures 1.9Ha and is formed of an approximately rectangular area of Common Land located to the north of Chestnut Avenue.

The comments provided in the appraisal below are supplemental to representations previously made by Placemaking and Strategic Planning Officers in relation to this application. These comments relate to the most recently submitted plans.

#### Context

The site is an un-allocated area of land, outside but adjacent to, the settlement boundary. The proposals must therefore meet the requirements of LDP Policy H6 '100% Affordable Housing Exception Sites'. In this regard the policy makes clear proposals will only be permitted where:

- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

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Policy H6 is clear that: Market housing will not be permitted on 100% affordable housing exception sites. The proposed affordable housing should meet the needs of local people in perpetuity, which will be tied to the planning consent by means of a legal agreement.

The policy considerations set out above have been addressed in previous comments from the Placemaking and Strategic Planning section. The following analysis focusses on placemaking issues having regard to the latest updated proposals submitted.

### **Placemaking Appraisal**

The following detailed appraisal is provided under the 12 main headings of the guidance modules of the adopted Placemaking Guidance for Residential Development SPG:

#### **1. Neighbourhoods**

The site is located within the elbow formed between Chestnut Avenue and Mulberry Avenue with existing settlement form to the south and east, albeit separated in the latter direction by a narrow belt of woodland. Spatially, this means that the site can be described as being part of the existing settlement form (though clearly not within the settlement boundary as delineated in the LDP). Given the relationship between the external (western and northern) edge of the development and the wider common land and AONB, it is vital that the architecture and landscaping of these parts of the site are well considered and of a high quality.

The site is also well located in relation to existing bus stops with these located adjacent to its southern boundary. The local centre at West Cross lies circa 650m (walking distance) to the south, Whitestone Primary School circa 700m to the south west, Mayals Primary circa 550m to the east and a GP surgery circa 800m to the south. Though the distances to convenience stores (there is also a Co-Operative store circa 650m to the east) are further away than generally considered 'walkable', overall the scheme performs relatively well in terms of this issue and is not of a scale to warrant provision of any onsite facility in this regard. Usefully, new residents could be provided with introductory materials which identify the best walking routes to local facilities to encourage sustainable transport options.

While play provision in the locality is limited overall, there is a small equipped play area approximately 250m from the southern boundary within West Cross. However, it is positive to note that the proposed scheme incorporates a range of play equipment 'pepper potted' throughout the Green Infrastructure (GI) - it will be important to demonstrate that the level of provision here meets Fields in Trust Guidance, is inclusive (for all abilities and ages) and subject to positive natural surveillance. It may also be worth considering a couple of small equipped areas for younger age groups associated with proposed seating areas to allow parents of toddlers the chance to relax a little while small children play.

#### **2. Density and mixed uses**

In delivering 56 new homes within a 1.9Ha site the scheme delivers a density of approximately 29.5 dwellings per hectare (dph). This is somewhat lower than the target net density of 35dph set out within the LDP, particularly given access to public transport and local facilities, however the edge of settlement location is acknowledged. It may be possible to refine the layout further to achieve or exceed this target. Some blocks (e.g. plot 16-21, and the areas around the apartment blocks) appear to have some potential for refinement in this regard.

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As noted above, given distances to local facilities, it is not considered necessary to provide any additional land uses on this site.

### 3. Blue/ green infrastructure

It is clear from the submitted Green Infrastructure Statement, the ecological information and the opportunities and constraints plan that Green Infrastructure matters are well understood and have informed the scheme design to date.

Consideration has been given to the protection and retention of both the ancient woodland and onsite existing tree stock to the Chestnut Avenue Frontage - care should be taken to ensure that proposed SuDS features (swales and rain gardens) do not impinge on the root protection areas of these features (noting that a swale appears to be located within the 10m buffer to the Ancient Woodland and that RPAs of larger trees can extend to up to 15m).

Ecology surveys identify the presence of both bat and reptile species and, as such, open space and buffer areas should be designed/landscaped to support these species. Refugia and hibernacular features for reptiles should be considered (subject to SCC ecology feedback) and lighting will need to be carefully controlled in respect of bats, with a detailed lighting strategy to be provided by condition in line with NRW comments. Provision of such a strategy as part of the application would, of course, be welcomed.

Should comments related to layout/density etc lead to a degree of redesign, the only potential strengthening of the GI response might be to relocate the community garden and associated open space to the southern tip of the Ancient Woodland such that these two areas are well connected in GI terms (this may also allow for a slightly more efficient layout).

### 4. Making connections

It is positive to see connections being made to existing footpath routes and again it would be useful if information on what is accessible via sustainable means could be made available to new residents via welcome packs etc, or through information boards on site.

Within the site, the layout shows a good degree of connectedness with no cul-de-sacs and a strong network of footways which are generally subject to a degree of natural surveillance from overlooking properties.

There does appear to be a rather substantial footway located along the eastern site boundary which appears wider (3m?) than the majority of the footways. This may be a necessity from a SABS perspective, but if not should be reduced to 2m to minimise hard surfacing.

The bike store details do not appear to correspond to the footprints shown on the site plan and is not large enough for the 4 flats to easily use.

### 5. Public spaces

The integration of GI as public open space across the site, including SuDS provision at street level, is welcomed. As noted above, the decision to pepper pot play throughout the scheme is supported but the quantum and variety of play offered should be demonstrated to be in line with appropriate play guidance, including related to safety (noting proximity of some play assets to SuDS features). The inclusion of a community garden is welcomed.



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The only area of some concern is the frontage to Chestnut Avenue where landscaping intentions, beyond the retention of existing trees and creation of SuDS features are less clear and where there is the potential for less positive views of features such as rear elevations of garage/bin store blocks and parking courts associates with the flats. It would be worth considering the use of some elevated landform features and additional planting along this aspect of the site or of locally vernacular boundary features such as 'Cloddiau/Clawdd (natural stone walling/embankments with hedges on top) which could be used to screen low level views otherwise obtainable below tree canopies.

#### 6. Streets as places

Generally, street design is positive with a hierarchy offered through shared surface arrangements on the internal loop. There are some concerns around the design of the cul-de-sac in the south west corner of the site which has on street parking to both sides, is backed on by properties to the west and has limited frontage overlooking from the east. There are also questions (to be addressed by SCC Highways and waste management comments) in respect of the adoptability of this area, access for bins etc given the lack of turning facility at its southern end.

This area is also likely to be a concern to the Police Architectural Liaison Officer. It may be possible to amend this 'street' to become a private parking court by adding coach house units with plots 9 and 56 altered to have front entrances. This would increase densities and enclose the parking area as a private space.

As noted, inclusion of GI at street level is positive though a number of trees are indicated which appear to be located within potential SuDS features e.g. swales. Discussions from a range of sites indicates that the SAB process will not adopt trees within SuDS features. On the basis that the SUDs design will preclude trees in swales, alternative tree planting needs to be shown such as within GI build outs in the street network as part of low speed people focussed designs. There are various places where this could be provided e.g. at the gateways at each end of the internal loop street.

#### 7. Inclusive places

Careful consideration should be given to the detailed design of streets and footpaths throughout the site to ensure pedestrian safety and accessibility. This may include the use of junction plateaus to avoid level changes and/or blended 'Copenhagen' style crossings at side street junctions.

Surface treatments should similarly be carefully considered to maximise accessibility and restrictive gateway features e.g. bollards/barriers must be minimised. Benches should be provided regularly along key footways to allow for rest and socialisation and for positive surveillance of play areas, ponds etc.

Play facilities should be inclusive with equipment and access tailored to a variety of needs and ages.

The footpath network is generally legible and well connected. Further though could be given to access to the bus stops however, with residents potentially routing out of the main vehicular access into the site and then not having footways to get to the bus stops to the west and east.

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Better crossing facilities from the bus stops to the south side of Chestnut Avenue - potentially via raised plateaus to reduce vehicular speeds should also be considered to further encourage sustainable access to local facilities in that direction.

### 8. Townscape

There are one or two areas of townscape concern within the layout. These are summarised as follows:

- i. The south western development block (units 8-15, 56, 55) is clustered around a street dominated by frontage parking to both sides, though effort has been made to green this through provision of street streets. Concerns in this area are further exacerbated as units 10-15 present their rear facades and private gardens towards this street (though it is entirely appropriate that they face outwards in this location). This issue could be addressed via the earlier suggestion to add coach house units to enclose the area as a parking court.
- ii. The frontage along Chestnut Avenue is not as consistent and the gaps between frontages may be diminished by the bin stores - could these be treated with GI features such as green walls?

### 9. Quality and character

Current elevational information contained on specific drawings and within the Design and Access Statement appears to show a universally applied buff brick finish to all properties with contrasting blue or grey weather boarding to homes. In principle this is considered an acceptable approach which balances consistency with variety.

Further street elevations, illustrating the final elevational proposals (such as the one provided at p16 of the DAS) would be welcomed.

The pyramidal hipped roof to the Mythe is incongruous plus difficult to integrate PV panels. This should be changed to a dual pitch roof with feature gables as per all other homes on site.

### 10. Community safety

It is clear that careful consideration has been given to natural surveillance of footways and open spaces around the site with the majority well over-looked by a number of properties. The key open space area, currently in the west of the site, is overlooked by units 16-19 but has poor overlooking from the south. If the scheme evolves further this should be designed out.

The south west development block (units 9-15, 56, 55) has relatively poor overlooking of the street, particularly its central area, which (as noted above) is dominated by car parking. This street would benefit from further consideration as per the earlier suggested amendment.

SuDS features should be positive elements of the site landscape, allowing residents to see and understand the drainage cycle of the site and bringing ecological and visual interest to the streets and spaces. They do however need to be designed safely, in line with appropriate guidance, and this should ideally avoid the need for fencing and barriers wherever possible.

### 11. Privacy and amenity

Generally, rear garden size seems appropriate and back to back/ back to side distances seem adequate. One exception appears to be around plots 30/31 where back to side distances need verifying (need to be 15m minimum). The garden size/layout for plot 31 would also appear to be sub-standard due to the proximity of the communal bin store.

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The adopted Placemaking Guidance for Residential Developments sets the requirements for all flats to have balconies or if not possible Juliette balconies. The balconies to the Monnow flats are therefore welcomed. It is noted that the Mythe has a Juliette at first floor and no external access at ground floor - this is unacceptable and a balcony should be provided at first floor plus French doors opening to a private terrace area at ground floor.

Additionally the Monnow flats require a railing boundary treatment to define the amenity terrace area for ground floor flats.

### 12. Accommodating parking

See comments above about the south west development block. Otherwise, side parking is used appropriately and single sided on street/front of plot parking is generally well softened with planting areas and street trees.

The parking for plot 51 is excessively prominent at a key location. This should be reduced to a single space (as per 52) to allow a private terrace for the ground floor flat and improved GI planting. This requires the floor plan of 51/52 to be flipped so 51 has the living space in the south relating to the external area and 52 has the entrance on the west side adjacent to the parking space.

### Final Comments

The detailed placemaking appraisal of the amended proposals has illustrated a number of aspects of the scheme that are supported, and has highlighted that proposals respond well to the constraints and opportunities presented at the site. There is however a need to redesign the western third of the scheme in order to address concerns highlighted, including for reasons of safeguarding amenity provision in relation to the proposed flats. The proposal is not considered acceptable at present in placemaking terms, however the comments above have clearly set out amendments that can be made to address matters.

## PLANNING APPRAISAL

The main material planning considerations in the determination of this planning application are set out as follows:

- Principle of Development having regard to the compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Placemaking;
- Landscape and Visual Impacts;
- Transport & Accessibility;
- Public Rights of Way;
- Arboricultural Impacts;
- Ecology and the Environment;
- Heritage and Archaeology;
- Flood Risk and Drainage;

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

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### Principle of Development

The Local Development Plan 2010-2025 (LDP) was formally adopted on the 28th February 2019. The application site is located outside of the LDP settlement boundary in an area of open countryside and is also registered as Common Land as part of the wider Clyne Common. However, there is no specific Development Plan Policies in respect of Common Land.

LDP Policy CV 2 sets out that outside defined settlement limits, there is a presumption against development in the countryside, with certain specific exceptions, including:

- iii. Affordable housing to meet local need at acceptable and sustainable locations within or adjoining settlements, or as minor extensions to small groups of dwellings in the countryside;
- iv. A rural exception site for employment in or adjoining a settlement;

Given that the proposed development is submitted on the basis that it is 100% affordable housing exception site, the scheme is therefore to be assessed as an exception site adjoining the settlement having regard to the above referenced inter-related policies. The LDP sets out that provision will be made to deliver a minimum 3,310 affordable homes over the Plan period through a number of means, including by allowing for affordable housing exception sites at appropriate locations adjoining settlement boundaries.

LDP Policy H 6 sets out a clear set of criteria for determining residential proposals on sites within or adjoining existing settlements where 100% of the proposed dwellings are for Affordable Housing for Local Needs schemes, and states these will only be permitted where:

- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

Market housing will not be permitted on 100% affordable housing exception sites. The proposed affordable housing should meet the needs of local people in perpetuity, which will be tied to the planning consent by means of a legal agreement.

*i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;*

The application site adjoins the existing settlement boundary with the existing houses adjacent to the site on the southern boundary on the opposite side of Chestnut Avenue. The proposed development site is considered to comprise of a logical extension to the settlement, having previously been considered to be an appropriate location for the extension of the settlement by the Council's Planning Policy team during the Local Development Plan process.

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The development of the site allows for the rounding off of the settlement in this location, with residential properties in Mayals and West Cross situated to the north and south of the site respectively before the Common Land and Gower opens up to the west. The green area to the north of the site is to be retained and remains outside of the proposed development boundaries. This will ensure that the green corridor which runs from Swansea Bay to Clyne Common is maintained in this location.

It is considered the proposal, on the basis of it being submitted as an affordable housing exception site for 56 dwellings, represents a reasonable and logical extension of the existing urban settlement boundary at this location, having regard to its scale with the surrounding developed urban residential area.

*ii. The site is in a sustainable location having reasonable access to at least a basic range of services;*

The site is situated immediately adjacent to the urban form of West Cross and west Swansea and benefits from the services, facilities and public transport nodes within the immediate locality. The site provides a logical and one of a select few opportunities in the immediate vicinity for such development which is in close proximity to key day-to-day facilities and easily accessible by foot. As highlighted in the Placemaking comments above, the local facilities are within distances which are broadly in compliance with what would be considered acceptable to create and reinforce a neighbourhood that integrates with the local context and provides good access to a range of facilities, hereby anticipating that the occupants of the site are not likely to be car-reliant, in accordance with local and national objectives for sustainable and cohesive communities.

The sustainability of West Cross as a location for affordable housing, demonstrating the site is in a fairly sustainable location and is an important informative to help provide justification as to whether exceptional circumstances apply for granting permission outside the settlement boundary. The site is therefore considered to constitute a sustainable location.

*iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;*

The applicant, Ashgrove Partnerships, are in partnership with Coastal Housing Group in order to bring the proposed development forward and will ensure that the development will provide affordable housing of a suitable size and scale and would be affordable to low or moderate income groups, being fully DQR compliant. The range, type and tenure of the housing proposed is compliant with the quantified need.

The Council's Housing Enabling Officer has confirmed that the application is in the West Strategic Housing Policy Zone where there is a high need for affordable housing and has stated that the affordable tenure and property sizes proposed are acceptable with respect to meeting the local need.

*iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;*

The proposal must provide affordable housing for local needs in perpetuity. A Section 106 legal agreement will be required to secure this.

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It is noted the application has undergone a number of revisions and the final proposal as put forward for consideration is on the basis of Coastal's commitment to manage the affordable homes, and that a legal agreement is the preferred mechanism to ensure that the units delivered are retained as affordable units. The units would all be for Social Rent and no provision is made for Intermediate products for sale on the basis that these properties would not ensure affordability benefits are retained going forward. This commitment is welcomed and demonstrates how the criteria of the policy relating to perpetuity will be met.

*v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality;*

As stated above, there is a critical need for additional affordable housing in the west of Swansea and the Gower in particular, which is exacerbated by the lack of suitable sites for development in the area, as evidenced by the lack of housing allocations within the locality. The development of the site for a 100% affordable housing exception site will make a significant and essential contribution toward this figure.

There is a lack of available land for housing development within the existing settlement boundaries of west Swansea, as evidenced by the lack of housing allocations in this area within the LDP. The accompanying Planning Statement highlights that there is only one site in the west of Swansea is allocated as a Strategic Development Area, with 371 units estimated to be developed at the Cefn Coed Hospital site in Cockett - approximately 4.5 miles from the site at Clyne Common. Further to this, there are no Non-Strategic Housing Sites allocated within west Swansea whatsoever, albeit there are allocations for Local Needs Housing Exception Sites within west Swansea, namely at Summerland Lane, Newton (completed) and Higher Lane, Langland (under construction). This is despite a requirement of 1,500 additional homes in West Swansea over the Plan period, as evidenced by the Draft Strategic Housing Market Assessment (January 2015) - down from 1,600 homes in the 2013 version of the Assessment.

Notwithstanding this, and notwithstanding the site's endorsed credentials as being integrated and sustainable, an independent review of the position has been commissioned and submitted with the application, to critically assess whether there are satisfactory alternative other locations nearby to meet the need.

The summary findings of this assessment (as undertaken by Rees Richards Chartered Surveyors, Land & Estate Agents - full copy submitted also) are that other than a number of sites identified, assessed, and discounted by reason for availability or viability, they *"are not aware of any other sites that are available or are likely to become available in the short term for housing or affordable housing"*. Rees Richards go on to say that *"There is a lack of supply of development land in the locality"*. They comment further that, based on recent land values achieved for 100% affordable homes sites and Local Needs Exception Sites, the one site that is available is expected to sell for far in excess of the land values achieved on the 100% affordable homes sites and in excess of values achieved on the Local Needs Exception Sites.

Over and above this assessment and its findings, it is known that there are very limited opportunities for housing development within settlement limits in this part of the City. Indeed, the Planning Statement contends that it is for this reason that the LDP includes a policy (Policy H5) that allocates six sites 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 SHPZs. Para 2.5.34 of the LDP states: *"The evidence of need for affordable housing in these locations is clear and a reliance entirely on 100% affordable housing exception schemes is not a sufficient approach to meaningfully address this need."*

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The LDP accordingly specifically identifies / allocates sites to meet a proportion of the need, and has as such accounted for a number of suitable sites and locations for such development. This means that any site search exercise to establish compliance with criterion v of the Policy needs to look beyond settlement boundaries, and even beyond the H6 allocations. The application site, as a candidate H6 allocation in the Draft LDP was similarly found to be an acceptable location. The critical assessment and evaluation of the planning application proposals, and the support for it from the key parties, endorse its acceptability as a / the most suitable location to meet the need.

Given this, the application site (which has been endorsed to be sustainability located) is considered to comply with criterion v, i.e., that it has been demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality.

*vi. There is no loss of land of important recreational, amenity or natural heritage value.*

While the development is proposed to be sited on Common Land, which is considered to be of recreational and amenity value, there will be no net 'loss' of this land, as an area of replacement Common Land is proposed, which will be discussed in further detail below.

The current use of the site in terms of amenity is through the use of the public rights of way within its boundaries in order to access the wider Common, with the remainder of the site relatively inaccessible due to the thick overgrowth, although as Common Land it is open access. The proposed development will retain, enhance and add to the existing Public Rights of Way which cross through and run adjacent to the site, and therefore it may be considered that the development will result in some betterment with regards to the recreational and amenity value of the land, by providing additional net Common land on the western periphery of the existing Common and by improving access to Clyne Common and the wider area through the upgrading of footways.

The proposed development plans also include the provision of recreation / amenity space within the site in the form of 2 separate areas for play equipment adjacent to the woodland path which runs along the sites boundary. As well as this, communal allotments, an orchard and seating areas are to be provided in the site, further improving the sites potential for recreational use.

Notwithstanding the above, the impact on the recreational, amenity or natural heritage value of the site is considered in detail elsewhere in the report, and also within the statutory consultee responses on these matters. Whilst a number of concerns were raised, there are no fundamental objections to the proposal, subject to the proposals demonstrating that the mitigation measures may be secured and implemented.

In terms of natural heritage, an updated Phase 1 Survey has been undertaken to set out an up-to-date understanding of the ecological value of the land, over and above earlier extensive study work. The aim of the updated survey was to confirm any changes in the type or extent of the habitats present to inform this updated planning submission, and to inform an ecological management strategy for the site. The up-dated assessment (Phase 1 Habitat Survey Note 2021) identifies that the current site conditions remain fairly consistent with the findings of the 2018 survey. However, in the intervening period the extent of the marshy grassland has reduced in size and generally the habitats present across the entire site and surveyed area have degraded in quality as a result of scrub encroachment and increased bracken cover.

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It is contended by the applicant, that the site had lost much of its interest, and that it continues to deteriorate. It is for this reason that intervention, through a management plan, is specifically needed and proposed.

The submitted Ecological Management Strategy sets out the habitat management options at the application site and within the wider survey area, and the proposed management will be achieved via mechanical cutting, which will primarily focus on the reduction of scrub and bracken across the site, as well as the provision of amenity resources and improvements to informal footpath and PRowS at the site. The aim of the management strategy is to mitigate for the loss of designated SINC and priority habitats within the application site, and enhance the adjacent areas of habitat within the surveyed area through the restoration of comparable habits of equivalent extent within the developer's control to a mosaic of purple moor grass/rush pasture, scrub and heath, with less dominance by Bracken.

In terms of recreation, it is proposed that the current and proposed right of way routes would ensure that the permeability of the common is retained and improved, providing an element of betterment. Whilst the development proposals will result in the loss of some informal footpaths within the site, a permeable layout is proposed, which ensures that accessibility through the site remains available, with safe pedestrian routes linking the formal footpaths on the eastern and western boundaries of the site.

Therefore, it is likely that there would be no loss of land of important recreational, amenity or natural heritage value, and the implementation of the ecological management strategy provides the potential to provide considerable enhancement and betterment. The proposals are therefore compliant with the individual criteria set out within Policy H6 and will make a substantial positive contribution to the affordable housing requirement in the area as a 100% Affordable Housing Exceptions Site, as well contributing to the delivery of affordable homes over the LDP Plan period.

### **Affordable Housing**

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. LDP Policy H2 seeks to deliver a minimum 3,310 affordable homes over the Plan period by setting targets for on-site provision of affordable housing to be delivered as part of residential proposals where appropriate and viable. Whilst LDP Policy H3 states that proposals include residential development on sites within settlement limits with capacity for 5 or more dwellings should provide affordable housing on site at the following target percentages, subject to consideration of the financial viability of the proposal; and within the Swansea West Strategic Housing Policy Zones area the target percentage is 35%.

The proposal is for 100% affordable housing for local needs, adjacent to the urban settlement boundary, in the locality of West Cross. The LDP, and national planning policy, allow for permission to be granted for 100% affordable housing within and adjoining settlements, subject to the LPA being satisfied that specific criteria are met to justify the proposal being an exception to the restrictions that would otherwise apply for market housing in the open countryside. Should it be concluded that the criteria have indeed been met, and having regard to the analysis in the paragraphs above, the scheme can be considered an acceptable proposal for 100% Affordable Housing for Local Needs.



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The Council's Housing Service is supporting the application site as it provides a mix of units, sizes and types which will be 100% affordable social rented tenure to meet local needs. As such, it is considered that the proposed affordable housing provision is acceptable. The principle of the development is therefore considered acceptable and the affordable housing will be secured through the Section 106 Planning Obligation.

### Education Contribution

LDP Policy IO 1 in respect of Supporting Infrastructure states that development must be supported by appropriate infrastructure and facilities and other requirements considered necessary as part of the proposal. Proposals will be required to satisfactorily demonstrate that:

- i. existing provision is safeguarded and capacity is sufficient to support the proposed development; or
- ii. where there is a deficiency in provision or capacity directly related to the proposal, arrangements are in place to support the development with new or improved infrastructure, facilities or other measures.
- iii. Moreover, LDP Policy SI 3 in respect of education facilities, states that where residential development generates a requirement for school places that cannot reasonably be met by schools in the relevant catchment area(s) because;
- iv. School capacity would be exceeded by demand; and/or
- v. there is a surplus capacity to accommodate some or all of the projected number of pupils generated, but investment is required to make the existing facilities fit for the purpose of accommodating the additional pupils, developers will be required to either:
  - a) Provide land and/or premises for new build Primary or Secondary Schools, having regard to the scale and location of the development; and/or,
  - b) Make appropriate financial contributions towards the costs of providing new or improved Primary and/or Secondary School facilities.

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

In accordance with the Planning Obligations SPG, in considering proposals for development the Council will, where appropriate, ensure that the necessary improvements to local school's infrastructure are properly met through developer contributions. Developer's contributions will be sought where there is potential to increase demand on local schools beyond their existing capacity or existing surplus capacity is of unsatisfactory standard and would require investment to make it suitable for children generated from the proposed development.

The Education Department have been consulted on the proposal and have reviewed the proposed impact on the local school catchments. They indicate that there are surplus spaces within the EM primary school (Whitestone Primary) and WM primary schools (YGG Llwynderw). Additionally, there is also surplus within the EM secondary school (Bishop Gore) and WM secondary schools and as such in this instance there is no request for a developer's contribution towards education.

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### **Placemaking, Design, Visual Amenity**

LDP - PS1, PS2 and PS3 - Sustainable Places, Placemaking and Place Management, and Sustainable Housing Strategy provide for the delivery of new housing within sustainable communities locations within defined settlement boundaries of the urban area and development should enhance the quality of places and spaces and should accord with relevant placemaking principles. LDP Policy PS2 in particular, stress the importance of Placemaking and Place Management and provides the context of the detailed layout.

Placemaking principles are at the heart of the council's strategic planning agenda and are a fundamental part of its approach to development management. The council has adopted a set of guidance on how placemaking principles should be applied to residential developments at a variety of scales, from proposed extensions, to individual homes, to large scale residential proposals that will create whole new neighbourhoods - Placemaking guidance for residential development Design Guide (2021).

The proposal has been the subject of significant negotiations via the pre-application process and during the course of the assessment of this planning application (as per the Placemaking comments section of this report), to ensure that the density, layout, design and GI of the development has sufficient regard to its location and the Placemaking principles in the SPG - A Design Guide for Residential Development, LDP Policy PS2 - Placemaking and Place Management.

Given that the site is greenfield in its present use, and contains key ecological / landscape features, the site layout, form, scale, massing etc. has been led and formed by the Green Infrastructure led masterplanning approach. Specifically, the existing features within and surrounding the site have played a key role in the placemaking approach of the scheme, and the following points confirm how this has been undertaken:

- The edges of the built form have been set back with green landscape buffering to all edges - whilst still addressing the street with active frontage;
- The western and northern edges respect the Ancient Woodland boundary and a landscape buffer varying from 5 metres to 11 metres in depth has been proposed on the western boundary, providing visual buffering from near and distant views adding the developments integration. Diverse native woodland is proposed providing visual, environmental, biodiversity and surface runoff benefits;
- The southern boundary retains key valuable trees and augments these with new native hedge planting, specimen trees, swales meadow and amenity grassland to provide a permeable green boundary with Chestnut Avenue, retaining a wildlife corridor and providing improved visual amenity;
- Lower ridgeline properties have been focused on the western site and setback from the landscape buffer to provide a Public Open Space area with allotments, community gardens and play opportunity - which also minimise visual impact from the AONB;
- The majority of landscape boundaries includes pedestrian access enhancing the relationship between residents and the natural environment, and maximising opportunities for amenity benefits;
- Drainage swales are integral with landscape buffers adding to the multifunctional benefits provided by the significant GI boundary features;

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- The main streets have lines of trees, benefiting the public realm, providing shading and improved microclimate, and providing secondary green corridors for common bird species and foraging insects;
- Community links permeate the development and the layout focuses many key views on the GI landscape structure focusing on the associated community benefits of the site; and
- Offsite pedestrian links to public transport, local routes and wider recreational routes are integrated with the layout providing a permeable and responsive pedestrian environment.

In terms of residential amenity impacts, the majority of the existing nearby residential houses are located to the south of the site along the southern side of Chestnut Avenue. 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 considered acceptable in that regard.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area, residential amenity and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of LDP Policy PS2, H6 and, the SPG - Places to Live: Residential Design Guide.

### **Landscape and Visual Impacts**

Whilst the proposal lies outside the Gower AONB, due to its relatively sensitive location on designated Common Land and its proximity to the AONB, the proposal have been assessed in order to manage and mitigate any potential impact upon the landscape character and visual amenity of the surrounding area, through the submission of a Landscape and Visual Assessment (LVIA). This has impacted the layout of the proposed development.

The LVIA found that the effects resulting from the proposed development are limited by the nature of the surrounding landscape context, which is characterised by a well-established mix of vegetation and the existing built urban form adjacent to the site. Across the Landscape Character Assessments undertaken, no fundamental change to the existing landscape character is expected to occur as a result of the proposed development and its effects are therefore considered to be neutral.

A 'Strategic Landscape Plan' has been submitted, which was informed by the LVIA, to illustrate how the proposed development will be 'softened' in its location, by way of retaining and proposing landscaping features, including hedgerows, trees, and planting. The Plan demonstrates how the residential scheme will naturally integrate into surroundings, whilst enhancing the existing green infrastructure assets within the site to improve townscape and landscape quality, and visual amenity.

The north and west boundaries of the site, which provide potential views from the AONB, are the most open and visually sensitive parts of the site. To the east of the site there is a public footpath, woodland and behind that, Mulberry Avenue. To the south of the site there is a bank of trees set at a level above Chestnut Avenue which is fronted on the opposite side by the existing housing estate.

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The site also slopes from the north west down towards the south east. In addition to the above, the submitted Constraints and Opportunities Plan has been produced to identify areas and views which are of importance / relevance to the site.

The LVIA includes a zone of theoretical visibility analysis (ZTV) for the site in order to help assess the visual impact of redeveloping the site. This split the site into sections, firstly to identify the most appropriate part of the site for development and secondly to inform the design process. The ZTV exercise demonstrated that the proposed site area is the most appropriate part of the wider land to develop. The preliminary assessment outlined that the wider site and indicative development area would appear to have the ability to support suitable development without significant detrimental effect on the existing landscape and visual context. The topography of the site assists with visual buffering and the adjacent mix of landscape elements and urban development, which is characteristic of the area, provides a suitable visual context to accommodate the proposed extent of development within the assessed views.

The study also helped to develop the layout further, with bungalows proposed to be located along the western boundary of the site. The comparatively low ridgeline heights to these dwellings, in conjunction with proposed buffer planting will help to minimise any views from the AONB towards the development, therefore reducing any potential visual effects. Proposed buffer planting to the eastern boundary will also help to screen views from Mulberry Avenue. Views of the development from locations along Chestnut Avenue will be partially screened by the retention of existing vegetation that currently extends along the southern boundary of the site. The site has a strong urban frontage to Chestnut Avenue and has been designed to address the existing settlement boundary.

The design of the layout has evolved to soften the northern and western boundaries through the use of bungalows, a lower density across the site and landscaping buffers. The open space / play area was moved to a more central position within the development so that it relates well to the main site access and helped to break up the development into smaller parcels, being overlooked by more of the proposed homes. This approach was evolved within the latest version of the scheme, with the community facilities (i.e. allotment area) moving to the western area of the site, while two separate areas of play equipment are proposed around the northern boundary of the site. The areas of play space will be closely related to the footpath that runs around the exterior of the site, seeking to create interest and usability in the form of a 'woodland path' while maintaining a close relationship with the communal facilities mentioned above.

In respect of the impact on the Landscape and Gower AONB, NRW have reviewed the LVIA, Strategic Landscape Plan and associated documents. NRW highlight that there would be some visibility from the AONB and that the retained woodland to the would provide screening. The landscape buffer to the North-Western edge of the development is acknowledged provided it is planting with native woodland mix, and recommend a condition requiring a Landscape and Ecological Management Plan (LEMP) to ensure the long-term success of the proposed mitigation measures.

CCS Landscape Officer has assessed the LVIA and concludes that the observations made in the LVIA conform to current guidance and have been carried out by a suitably qualified Landscape Architect whose observations and conclusions are appropriate.

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It is noted that the views from and to the development as shown in the green Infrastructure Plan are indicative and the mitigation of negative impacts of the development are conditional upon the retention, coherence of boundary hedges and trees reinforced by appropriate additional planting. All of these need and can be resolved by the production of a detailed landscape plan that will need to be conditioned for written approval prior to commencement of site works.

The accompanying Green Infrastructure Statement sets out a list of the landscape integration proposals that form part of wider GI mitigation and enhancements associated with the proposed development. Therefore, the scheme has been carefully designed in order to minimise its impact from key viewpoints, primarily from the AONB. It is therefore considered that the scheme is in keeping with the character of the surrounding area, providing a delicate balance between the urban form of west Swansea and the rural character of the Gower and the AONB.

### **Green Infrastructure**

Both national and local planning policy and guidance sets out the key importance for development proposals to provide Green Infrastructure (GI) networks within sites, in order to both protect and enhance existing green spaces that afford valuable ecosystem spaces. In particular, proposals are required to 'maintain and enhance the extent, quality and connectivity of the County's multi-functional Green Infrastructure Network' - Policy ER 2 of the LDP.

At national level, Policy 9 'Resilient Ecological Networks and Green Infrastructure' of Future Wales: The National Plan 2040, outlines the necessity for developments in Wales to maintain and enhance biodiversity, promote the resilience of ecosystems, and to maximise the provision of green infrastructure. Furthermore, the Policy stipulates 'providing locally accessible, high quality green spaces and corridors helps to maintain and enhance the strategic functioning of our natural resources and ecological networks and address physical and mental well-being.'

The planning application has been accompanied by a Green Infrastructure Strategy to confirm how the proposal will implement an efficient and multi-functional GI network within the proposed site layout. The GI statement outlines that the proposal will not have any significant adverse effect on the resilience of protected habitats and species within the site in any event - in accordance with the findings of the Ecological surveys undertaken to-date.

The GI statement confirms that ecological mitigation will be provided through new planting of native species, woodland and native hedgerow corridors, meadow grassland, wet grassland in swales and flowering lawn mix in amenity areas. This implementation of ecological mitigation will provide the GI network within the development that will supplement and connects to habitat features in the local area. The GI network that will be created as a result of the measures implemented will supplement and connect to habitat features in the local area, including those within the blue line land. The new planting / GI network within the red-line area will aim to provide habitats alongside residential development, whilst contributing to biodiversity by creation and connection of habitats valuable to a range of species in the local area. As a result, the GI strategy sets out how measures forming part of the GI network will connect to existing GI features within the site's surroundings, thus maintain and enhancing the locality's biodiversity networks etc.

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The Biodiversity and Development (2021) SPG sets out the importance of enhancement measures to be implemented within major development schemes, in order to ensure that development provides a net benefit for biodiversity. This requirement is in accordance with the stipulations of PPW11 (para. 6.4.5), and as a result, developments must present opportunities to reverse biodiversity loss and mitigate against the impacts of climate change.

It has been evidenced that the proposal has conformed to the pertinent policy / guidance requirements, through achieving a biodiversity 'net gain' within the site as a result of the enhancement measures proposed as part of the development - that are discussed above. These measures are of course proposed through the creation of a multi-functional GI network within the development site, that will result in a net gain achieved for biodiversity. Subsequently, a Green Infrastructure Plan has been produced which illustrates the proposed multi-functional GI network that will be implemented within the proposed development, and has informed the site layout of the scheme. The plan also demonstrates the 10m buffer to the retained Ancient Woodland that will be incorporated into the site layout, as well as Public Open Space and the proposed filtered views that will be created through buffer planting.

The above measures all have an important role in delivering a multi-function GI network within the site, whilst also retaining and enhancing biodiversity within and adjacent to the site boundary. Specifically, the GI plan has been guided by the following principles set out in the 'Placemaking Guidance for Residential Development' SPG (2021):

- Multi-Functional;
- Biodiverse; and
- Adapted for climate change.

Moreover, the GI Plan has been developed / informed in response to the opportunities and constraints identified within the 'Constraints and Opportunities Plan' submitted with this application. As such, the GI has taken into account the constraints associated with the site, and how appropriate mitigation measures, by way of adopting adequate GI features, can offset and address the constraints identified.

Overall, it is considered the site has been sensitively designed through a landscape led approach to address landscape and visual amenity matters. The landscaping details and GI features are considered to be acceptable and accord with the provisions of LDP Policy PS2 in accordance with the policy requirements of LDP Policy ER 9 'Ecological Networks and Features of Importance for Biodiversity' and the SPG's - Places to Live: Residential Design Guide, and Biodiversity and Development.

### **Access, Transportation and Highway Safety**

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

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Highways and Active Travel - The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

The application is accompanied by a Transport Assessment, providing a view on accessibility for all modes, potential trip generation, distribution and analysis on the effect of key junctions in the locality. This has been verified and is acceptable, it is not thought the proposals will only have a minimal impact on the surrounding highway network.

The site is well located in terms of schools and local facilities for residents to choose sustainable travel options over car use. Proposals allow connection to recently completed (and due for further completions) cycle improvement schemes in the area, and connection to the NCN for destinations further afield, in addition, there are regular bus services to the city and other major employers, Hospitals and University. The applicant would enhance the existing public right of way into an active travel link to the East of the site linking to Mayals Road, this is appropriate and welcomed. In order to reduce reliance on private cars, this direct sustainable route to local facilities supports the sustainable transport hierarchy for planning (PPW), and maximises accessibility within or without the development layout. (LDP Policy T5).

The application has been the subject of considerable discussion and negotiation with the Local Highway Authority. The applicant has submitted further information to address previous comments and an updated Transport Statement has been 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 infrastructure works being required.

Whilst concern have been raised regarding the access point, visibility and additional traffic movements along Chestnut Avenue and beyond, it is considered that the revised plans address previous concerns regarding access and visibility and trips arising from the development can be accommodated within the existing road network. Conditions are recommended in terms of detailed design of the access and the internal road layout.

The internal road has a footway either side with a 5.5m carriageway which would allow for two way flows and safe pedestrian passage. Swept path analyses have been provided to demonstrate that refuse and emergency vehicles can enter /turn and leave the site in a forward gear and also manoeuvre within the site.

Parking provision within the site is marginally under the requirements of the Adopted Parking Standards SPG but the applicant has provided information supporting the stance that car ownerships levels are lower for affordable housing scheme than those associated with private dwelling, supported by local Census data. This rationale has been accepted by the Local Highways Authority who have raised no objection to the proposals subject to conditions and a contribution towards local highways improvements.

A S106 highways contribution for speed reduction and traffic management measures along Chestnut Avenue and Mulberry Avenue as part of a wider programme for improvement & Enhancements to PRoW MU43 to provide an active travel link cycle network along Clyne Common.

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These will be modest in scale to facilitate draining and provide all weather use. The requested total is for £30,000 to provide contributions for both of the items described above. These construction works, their design and installation will be carried out by the Local Highway Authority.

As such, no highway objections are raised subject to the imposition of appropriate planning conditions and financial contribution to secure the above pedestrian crossing facility measures 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.

### **Public Rights of Way**

LDP Policy T 7 states that development that significantly adversely affects the character, safety, enjoyment and convenient use of a 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.

There are rights of way near the site and also a right of way which runs partly through the site. The intention of the applicant is to divert the existing PROW through the proposed development (MU44) and provide additional surfaced routes within the site so as to improve connectivity between the existing communities, the proposed development and the Common land to the west. In addition to the dedication of land for a bridleway that will connect West Cross and Murton, the proposal also comprises works to the existing PROWs within the Common Land, to improve pedestrian connectivity in the locality. These works are to be undertaken in order to enhance the existing pathways, and will be in the form of repairing / clearing lawfully constructed footpaths with a similar material / surface. This will reduce / negate any impact upon the Common, through retaining and improving the existing condition of surfacing within the land.

These works along include the upgrading and widening of the existing PROW along the eastern boundary to a combined footpath and cycleway which will provide a link to the proposed Active Travel route from Mayals to Bishopston which is being carried out by CCS Highways. This will be secured through the Section 106 Planning Obligation.

### **Arboricultural Impacts**

The application is accompanied by an Arboricultural Impact Assessment (ABI). The site currently contains a small number of trees, mainly located on the southern boundary on Chestnut Avenue, as well as a group of trees at the northern boundary of the site designated as Ancient Woodland. The proposed layout has generally taken these existing trees into consideration, however, some trees along the southern boundary will need to be removed to facilitate the access point off Chestnut Avenue - and to create active frontage the Chestnut Avenue. In addition, to the ABI, a Tree Survey and Tree Constraints Plan have been submitted as part of the application. In line with the recommendations of the Arboriculturalist, the proposed scheme allows for a 10m buffer from the designated Ancient Woodland, taking into account the Root Protection Zones. It should be noted that provision of additional planting is also provided as part of the proposed layout.



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The Council's Tree Officer has been consulted and has offered no objection to the proposal, subject to the inclusion of an appropriately worded condition requiring the submission of a tree protection plan and arboricultural method statement to protect the trees identified on the site. This has been incorporated into this decision. 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 and the Environment**

The application site is greenfield and is location within a SINC, and therefore there ecological value for the site. The application has been accompanied by an Ecology Statement which includes a Phase 1 and 2 habitat survey which have been undertaken in order to assess the site's potential for wildlife. This concludes that further surveys are required to be completed to assess the presence of bats, birds and reptiles. The presence of a number of protected species is considered to be possible due to the habitat contained within the site such as purple moor-grass and rush pastures and other areas of value in close proximity of the site.

The Phase 2 habitat survey confirmed that the site supports two species of common reptile in 'low' numbers - these being the Common Lizard and Slow Worm. In terms of reptile mitigation, it is proposed to undertake directional vegetation clearance of the site in order to guide species into similar habitats surrounding the site, while clearance works will also be appropriately timed in order to avoid the active period for reptiles and bird nesting season.

While only low levels of bat activity were identified across the site, it was established that a number of species - including light-sensitive bat species - utilise the wider area for foraging and commuting. As a result of these findings, the scheme will incorporate a sensitive lighting design as part of the proposed development, as well as further mitigation measures as recommended in the ecological report.

In addition to the above, an Ecological Management Strategy has been prepared to support the application submission, which sets out the habitat management options at the application site, and within the wider survey area, that have been informed by the findings of the previous ecological survey work. The proposed management for the identified site features, will comprise mechanical cutting, which will primarily focus on the reduction of scrub and bracken across the site, as well as the provision of amenity resources and improvements to informal footpaths and PROWs at the site and within the locality.

The aim of the management strategy is to mitigate for the loss of designated SINC and priority habitats within the site, and enhance the adjacent areas of habitat through the restoration of comparable habitats of equivalent extent. The strategy will also aim to enhance access and amenity resources at the site and within the survey area. The strategy conforms with the policy requirements of LDP Policy ER 9 'Ecological Networks and Features of Importance for Biodiversity' which requires proposals to maintain, protect and enhance ecological networks - which the strategy evidences the development will achieve. Moreover, the proposal will include a number of ecological enhancement and mitigation measures that will be implemented as part of the development. The strategy provides further detail of these measures, however, a summarised list is provided below:

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- 28no. bird and bat boxes to be installed on new residential units;
- Implementation of a hedgerow corridor - to ensure continued connectivity; and
- New native woodland and hedgerow planting along the site's southern and western boundaries.

As per the Ecological Officers and NRW response, and following the receipt of additional information & plans (to address Ecological Officer comments) no objections are raised to this application subject to the inclusion of appropriately worded conditions and as per the recommendations within the submitted Preliminary Ecological Appraisal. The proposed conditions will require:

- Construction Environmental Management Plan;
- Works undertaken in accordance with Method Statement of the Ecological Assessment;
- Ecological enhancements in accordance with the Strategic Landscape Plan;
- Sensitive Lighting Strategy;
- Soft landscaping as Strategic Landscape Plan;
- Tree Protection Plan and Arboricultural Method Statement;

The S106 requires a Landscape and Ecological Management Plan - LEMP (based on submitted Ecological Management Strategy) to include habitat management, ecological enhancements on adjoining blue land and including provision for improvements for public access along informal footpaths and PROW's bridleway etc. The LEMP will require a number of biodiversity mitigation and enhancements within the adjacent area of Common Land.

It is considered that the biodiversity and ecological stepwise process has been followed, and the proposed enhancements are considered to be appropriate and will deliver biodiversity net benefit, ecosystem resilience and an integrated network of GI. It is not considered reasonable or necessary to attach a condition requiring all trenches to be covered overnight and concerns with regards to the impact of the adjacent SINC can be addressed in the CEMP.

As such the application is considered to be acceptable in this regard and complies with Policies ER8 and ER9 of the of the Swansea Local Development Plan (2010-2025) and the SPG - Biodiversity and Development (2021).

### **Flood Risk and Drainage Strategy**

The Natural Resource Wales (NRW) Development Advice Maps (DAM) and TAN 15 maps have been checked for their updated guidance and this confirms that there are no flood risk constraints on site.

The application is accompanied by a Drainage Strategy and Statement. In order to manage surface water within the development boundary, in accordance with the SuDS standards, a network of swales and an attenuation basin will be incorporated within the site. Specifically, runoff from the development will discharge to a series of linked swales that convey flows to an attenuation basin directly upstream of a flow control chamber. These features are strategically located within the development site to complement the surface water drainage. Moreover, the features in series within the site will not be lined, and therefore allow infiltration and evapotranspiration where possible. Opportunity to harvest rainwater will also be made by installation a water butt on the rear roof downpipes for each individual property.

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Overall, the drainage strategy for the development comprises the creation of a series of drainage features and corridors which will provide amenity spaces and create habitats, whilst also providing biodiversity benefits.

The development will require a separate SAB approval and the maintenance and operation of all on-site surface water drainage and associated SUDS features would be the responsibility of the future home owners, Swansea City SAB and Swansea City highways for the proposed adoptable access roads (adoption will be progressed under a Section 38 Agreement). The exact breakdown of future maintenance liabilities will need to be discussed during the SAB submission process and detailed design, installation, operation and maintenance of the surface water system will be in accordance with the SUDS manual and the requirements of the SAB.

Residents have raised concerns with regards to surface water emanating from the site which would be exacerbated by the development of this greenfield site. The development proposes conveying and discharging all surface water run-off to a proposed infiltration basin located in the area of public open space, rain gardens and permeable paving will also reduce flow rate, treat the water and encourage volume losses through evapotranspiration.

The Drainage Officer has advised that development is required to be SUDS compliant through a separate SAB consent and has not objected to the proposal. Consequently, as this matter is dealt with by different legislative requirements, this matter does not need to be controlled by means of a planning condition.

The foul water drainage for the proposed development will require adoption and an agreement with Dwr Cymru/Welsh Water, making a connection to the foul water public sewer.

Subject to the inclusion of the above the application is therefore considered to be acceptable in this regard and accords with policies EU4, RP4 and RP5 of the LDP.

### **Archaeology / Heritage**

The application is accompanied by an Archaeological and Heritage Assessment. Whilst there are no designated heritage assets within the site nor archaeological remains other than a series of potential early 20th-century military practice trenches, located to the west of the site boundary.

The principal archaeological interest within the 500m study area therefore comprise a group of potential military practice trenches, suggested to date to the early 20th century (denoted by GGAT Historic Environment Record and Ancient and Historic Monuments of Wales records). As part of the assessment of the proposed development, these features have been the subject of a separate report (Heritage Paper relating to the potential military practice trenches), which has undertaken a detailed re-evaluation of an existing study by GGAT (2016) and gathered new documentary evidence for the use of Clyne Common as a military training area. its principal conclusions being as follow:

- The features are discernible on aerial photography and, to a lesser extent, on LiDAR data plots. Field visits have also proved that they survive as distinct negative earthworks, 1-2m wide and 0.4m-1.5m deep. All would appear to be man-made, with 'Trench C' being the most substantial, possessing what are described as two 'traverses' and an 'arched recess'. Trenches A, B, D and F are less well-defined, with no particularly striking features;

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- While the morphology of the features is reminiscent of military practice trenches, no intrusive archaeological field work has been undertaken to prove this hypothesis or date;
- The proposed 'trenches' E and G do not manifest themselves on the ground as earthworks and instead relate to a natural watercourse and pathway. None of the features therefore extend into the Site. This confirms the conclusions of GGAT's research;
- Historic newspapers of the first two decades of the 20th century prove episodes when Clyne Common was used as a military training ground, but the sources examined only narrate transient manoeuvres; they do not mention the creation of trenches or other field defences; and
- There is no firm evidence to substantiate theories that the trenches (if such they are) pre-date World War One. While GGAT (2016) preferred a date in the decade after 1900 (perhaps coincident with the second Anglo-Boer War), the alternative explanations offered in the same GGAT study are equally plausible (i.e. WWI).

In summary, therefore, the character of these features is unproven, and a proper estimation of their significance is not possible with the present data. Any value-judgement that assumes a date prior to 1910 (which would greatly inflate their rarity, by comparison to World War One features) would certainly be premature. Moreover, these features' apparent 'simplicity' - put forward as an argument for an early date - could in fact be a result of their continued erosion or partly obscured conditions, or suggest an alternate origin than military practice trenches. Above all in respect of this assessment, the salient point is that regardless of their interpretation, none of these features extends into the Site nor does it seem likely that any additional unmapped features (i.e. not apparent on aerial photographs or LiDAR) await discovery within the Site.

CADW have been consulted on the proposal, and discussion between the applicant's agents and Cadw were held during 2020 and whilst it was agreed that there was a need for archaeological investigation of the application area to confirm that no evidence of military activity was present. Having assessed the information provided, they have no objection to the proposed development subject to a further archaeological investigation condition.

GGAT note the compilation of a desk-based assessment and the survey of the military earthworks conducted by GGAT Projects. Whilst there are no known sites of archaeological interest in the proposed development area, it is located in the vicinity of significant military practice trenches which are under consideration for being designated as Scheduled Monuments. They note Cadw's comments regarding associated survey and potential fieldwork which could be secured via condition but overall no objections to the positive determination of this application.

On this basis, and notwithstanding the non-receipt of comments on this planning application, the application is considered to be acceptable in this regard and complies with Policy HC1 of the of the Swansea Local Development Plan (2010-2025).

### 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.

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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:

- 56 affordable housing units (100%) on the site comprising 100% social rented tenure and DQR compliant (or any future equivalent).
- Highways contribution for speed reduction and traffic management measures along Chestnut Avenue and Mulberry Avenue as part of a wider programme for improvement & Enhancements to PRoW MU43 to provide an active travel link cycle network along Clyne Common. These will be modest in scale to facilitate draining and provide all weather use. The requested total is for £30,000 to provide contributions for both of the items described above.
- Landscape and Ecological Management Plan - LEMP (based on submitted Ecological Management Strategy) to include habitat management, ecological enhancements on adjoining blue land and including provision for improvements for public access along informal footpaths and PROW's bridleway etc.

### Response to Consultation

It is acknowledged that the objections raise a number of issues in respect of the development of this site. Issues relating to highway safety, access, traffic pollution, pedestrian safety, land gradient, drainage, SINC, agricultural fields, open space, play areas provision, affordable housing, open countryside, LDP settlement boundary & precedent, conservation of the natural environment, species, wildlife, landscape have been addressed above.

On balance, it is considered the issues raised are addressed in the report above and it is considered that the scheme as submitted, and following dialogue with Officers represents an acceptable form of development subject to compliance with relevant planning conditions.

### Conclusion

The application has been considered against the comprehensive review of both the Development Plan Policy and physical context of the application site. Whilst the site is located on designated Common Land, there is a separate legal process in terms of the consideration of common land at this location and the exchange land, and the principal planning issue has considered the principal of the development within the open countryside at this location which adjoins the settlement boundary and in the context of development the site as an affordable housing site. LDP Policy H6 provides the detailed criteria for the consideration of an 100% affordable housing exceptions site. In this context it has been demonstrated that the site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement, and is located within a sustainable location having reasonable access to a basic range of services.

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The proposals would provide 56 affordable dwellings and would assist to provide further affordable houses towards the identified requirement of 4,090 dwellings within the LDP and these would be secured through the Section 106 Planning Obligation. It has also been demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality. The impacts on the loss of land in terms of its recreational, amenity or natural heritage value have been addressed.

Placemaking and green infrastructure has been at the heart of the development layout which has led and informed the key design principles / approach to the place making of the scheme - to create a sense of place. The layout has been designed in accordance with the Placemaking Guidance for Residential Development Design Guide and careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposed site layout of the scheme has been informed by the Green Infrastructure Strategy which sets out how the proposed development will create a multi-functional GI network, in accordance with LDP Policy ER2, as well as other pertinent National and Local planning policy and guidance. The proposed siting and scale of the proposal has been carefully designed to account for any landscape or visual impacts of the development of the site including the provision of bungalows. The proposed development will improve access to the wider Common and provide significant recreational benefits to local residents in the form of allotments, play equipment, seating areas and new recreation routes. The proposal is considered to comply with and enhance the character of the SINC and Common Land area within which it is sited; and significant landscaping is proposed as part of the scheme to ensure an appropriate level of screening and buffering. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance, subject to a S106 agreement and conditions.

Having regard to the above key considerations, it is considered that the proposed development is acceptable in principle and represents an appropriate scheme, which makes effective use of a sustainably located site adjacent to the settlement boundaries of West Cross. This, coupled with the lack of any technical constraint as demonstrated through the supporting documentation, and the provision of much needed housing on a deliverable site provides a considerable benefit for the scheme proposals.

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 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 conditions indicated below and the applicant entering into a S106 Planning Obligation in respect of the following :**

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- **56 affordable housing units (100%) on the site comprising 100% social rented tenure and DQR compliant (or any future equivalent).**
- **Highways contribution for speed reduction and traffic management measures along Chestnut Avenue and Mulberry Avenue as part of a wider programme for improvement & Enhancements to PRow MU43 to provide an active travel link cycle network along Clyne Common. These will be modest in scale to facilitate draining and provide all weather use. The requested total is for £30,000 to provide contributions for both of the items described above.**
- **Landscape and Ecological Management Plan - LEMP (based on submitted Ecological Management Strategy) to include habitat management, ecological enhancements on adjoining blue land and including provision for improvements for public access along informal footpaths and PRow's bridleway etc. The LEMP should include the following:**
  - a) **Description and evaluation of features to be managed.**
  - b) **Ecological trends and constraints on site that might influence management.**
  - c) **Aims and objectives of management.**
  - d) **Appropriate management options for achieving aims and objectives.**
  - e) **Prescriptions for management actions.**
  - f) **Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).**
  - g) **Details of the body or organisation responsible for implementation of the plan.**
  - h) **On-going monitoring and remedial measures for biodiversity features included in the LEMP.**
  - i) **The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP.**
- **A Management and Monitoring fee of £3,960.00 (based on 20% of the planning application fee).**

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, H2, H3, IO1, SI3, S18 of the Swansea Local Development Plan 2010 - 2025.**

### Conditions

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

1001-1 Rev A Location Plan; 1001-2 Rev C Extended Location Plan; 1034968 Rev A Draft\_Tree\_Protection\_Plan; 1180 Rev A Caretakers Store and SS; 1181 Rev A Bins and Bikes Store; 1832-104 Basin Sections; 50-01 Rev A Illustrative Image; 50-02 Rev A Illustrative Image - received 1 July, 2022.

1000 Rev AC Site Layout; 1002 Rev B Constraints Plan; 1003 Rev A Site Sections; 1004 Rev E Materials; 1005 Rev C Street Scenes; 1006 Rev D Enclosures; 1008 Rev C Storey Heights; 1010 Rev D Proposed Footpath Connections; 1012 Refuse Strategy Layout - plans received 13 December, 2022.

1152 Rev F Mythe Floor Plans; 1153 Rev F Elevations; 1154 Rev D Monnow Plans; 1155 Rev E Monnow Elevations Plots 1 - 4; 1156 Rev E Monnow Elevations; 1160 Rev D Ogmore Elevations; 1168 Rev E Wye Elevations; 1169 Rev E Loughor Plans; 1170 Rev E Loughor Elevations; 1171 Rev F Conway Plans; 1172 Rev F Conway Elevations; 1200 Rev C Wye & Usk; 1201 Rev C Usk & Wye; 1202 Rev C Wye Ogmore & Usk Floor Plans; 1203 Rev C Clyne 14 15 Floor Plans; 1204 Rev D Clyne Floor Plans; 1205 Rev D Clyne 21 Floor Plan; 1206 Rev C Ogmore Floor Plans; 1207 Rev C Wye Floor Plans; 1208 Rev C Wye2 & Usk Floor Plans; 1209 Rev C Usk Ogmore Usk Floor Plans; 1210 Rev D Wye & Usk Elevations; 1211 Rev D Usk & Wye Elevations; 1212 Rev D Wye Ogmore & Usk Elevations; 1213 Rev C Clyne 14 15 Elevations; 1214 Rev D Clyne Semi 16 17 Elevations; 1215 Rev D Clyne Semi Elevations; 1216 Rev C Clyne Detached 21 Elevations; 1217 Rev D Wye 2 & Usk Elevations; 1218 Rev D Usk Ogmore Usk Elevations; 1219 Rev C Clyne 18 19 Floor Plans; 1220 Rev B Usk & Wye 2 Floor Plans; 1221 Rev C Usk & Wye 2 Elevations; 1222 Rev B Wye & Usk Floor Plans; 1223 Rev C Wye & Usk Elevations; 1224 Clyne 13 Floor Plan; 1225 Clyne 13 Elevation - plans received 13 December, 2022.

1832-001 Rev AD Drainage Strategy; 184191\_A05 Rev P General Arrangement Plan; 184191\_A06 Rev P General Arrangement Internal Site; 184191\_AT\_A01 Rev O 10.2M Swept Path Analysis; 184191\_AT\_A02 Rev N 10.2M SPA Turning Head; 184191\_AT\_A03 Rev N Fire Tender Swept Path Analysis; 184191\_AT\_A04 Rev G Standard Design Vehicle SPA Parking Bays; 184191\_AT\_A06 Rev A Two Way Working SDV and Mercedes Van; 184191\_SK01 Refuse Vehicle Passing Parked Vehicles; 1874401-SBC-00-NA-GA-L-102 Rev PR10 Strategic Landscape Plan - plans received 13 December, 2022.

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

- 3 Prior to the commencement (excluding excavation, site preparation and enabling works) of the relevant part of the development, samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.

Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).



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

- Typical window and door units within their openings;
- Entrance canopies, gable verges;
- Balustrading;
- Rainwater goods, fascias, soffits and PV panels;

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

Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

5 Prior to the commencement of the development, (excluding demolition, excavation, site preparation and enabling works) full road engineering details of the vehicular access into the site from Chestnut Avenue including the construction of the bus drop off facility shall be submitted to and approved in writing by the Local Planning Authority. All access works relating to the public highway, shall be substantially completed prior to any of the works commencing on site and shall be completed as approved in writing by the Local Planning Authority.

Reason: To allow the proper consideration of all details in the interests of highway safety in accordance with Policies T1 and T5 of the Swansea Local Development Plan (2010 - 2025).

6 Prior to the commencement of the development, (excluding demolition, excavation, site preparation and enabling works), full engineering, drainage, street lighting and constructional details of the internal road layout and footways within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: To allow the proper consideration of all details in the interests of highway safety and pedestrian safety in accordance with Policies T1 and T5 of the Swansea Local Development Plan (2010 - 2025).

7 Prior to the first beneficial occupation of any respective phase of the development, full details of the proposed arrangements for the future management and maintenance of the proposed internal road and footways 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 internal roads are subject to a future management and maintenance agreement in accordance with Policies T1 and T5 of the Swansea Local Development Plan (2010 - 2025).

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- 8 Notwithstanding the details indicated in the application, the existing Public Right of Ways shall be re-aligned and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The linkages shall thereafter be completed in accordance with the approved details.  
Reason: In order to maximise the permeability of the site to allow future residents adequate accessibility to local facilities and in order to assess such details in the interests of pedestrian safety in accordance with Policies T2 and T7 of the Swansea Local Development Plan (2010 - 2025).
- 9 Notwithstanding the details submitted to date, prior to the first beneficial occupation of any dwelling within that phase, details of the open space/ play equipment provision on site shall be implemented in accordance with full details which have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that play facilities are provided within the development to an appropriate standard and at the time the demand for them arises in the interest of the wellbeing of the future residents in accordance with Policies SI6 of the Swansea Local Development Plan (2010 - 2025).
- 10 Prior to the beneficial use of any respective phase of the development, a management strategy for the maintenance of all areas of formal and informal open spaces and play provision associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved.  
Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained in accordance with Policies SI6 of the Swansea Local Development Plan (2010 - 2025).
- 11 No development or phase of development, including site clearance shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include the following as a minimum:
- Construction methods: details of materials, how waste generated will be managed;
  - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
  - Soil Management: details of topsoil strip, storage and amelioration for re-use.
  - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures. Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.

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- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: To ensure that necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in the interest of pollution prevention, biodiversity protection and the wider environment in accordance with Policies RP1 of the Swansea Local Development Plan (2010 - 2025).

- 12 Notwithstanding the provisions of schedule 2, part 1, Classes A, B, C, D & E 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 or buildings shall be erected other than those expressly authorised by this permission.

Reason: In order to control inappropriate extensions/ alterations and outbuildings adversely affecting the character and appearance of the residential development in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house other than those shown on the approved plans.

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 in accordance with Policies T1, T5 and PS 2 of the Swansea Local Development Plan (2010-2025).

- 14 The car parking spaces as shown on the approved plans shall be provided prior to the first beneficial use of the dwelling to which they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.

Reason: To ensure adequate parking provision is provided and retained for each dwelling and to reduce the likelihood of obstruction of the highway or danger to road users in accordance with Policies T1, T5 and T6 of the Swansea Local Development Plan (2010-2025).

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- 15 The development shall be completed in accordance with the principles of the submitted Green / Blue Infrastructure Statement and Strategic Landscaping Plan and in accordance with a detailed scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site and which should include details of species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with Policy ER2 of the Swansea Local Development Plan (2010-2025).
- 16 Prior to the commencement of development on site, a detailed scheme of Ecological Enhancement Measures shall be submitted to and approved by the Local Planning Authority (in the form of Schwegler sparrow terraces (or similar), swift boxes, nest boxes for other local bird species, Improved double crevice bat boxes (or similar), provision for hedgehogs and reptiles, bee bricks and other proposals for enhancements) to be provided within or to the walls of the dwellings and/or in suitable habitat, in accordance with the principles shown in the Strategic Landscape Plan drawing (May 2022 Soltys Brewster drawing ref: 1874401-SBC-00-NA-GA-L-102 PR04 version). The approved Ecological Enhancement Measures as outlined in the Strategic Landscape Plan (Appendix I of the Ecological Management Strategy June 2022 document) and in sections 3.14, 3.15, 3.16 of the Ecological Management Strategy June 2022 document, 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 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).
- 17 Prior to the commencement of development, an Invasive Non-Native Species (INNS) Method Statement shall be submitted to and approved in writing by the Local Planning Authority, detailing methods of avoidance, containment or removal in order to avoid the spread of INNS during construction works. The development shall thereafter be undertaken in accordance with the approved INNS Method Statement.  
Reason: In the interests of the ecology and amenity of the area in accordance with Policy ER 8 of the Swansea Local Development Plan (2010-2025).

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- 18 Prior to the commencement of development on site, details of a Tree Protection Plan and an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Tree Protection Plan shall thereafter be installed prior to the commencement of development and retained in their approved form for the duration of the construction phase and the works shall be undertaken in accordance with the details thereby approved.  
Reason: To ensure the safeguarding of trees within the development site in accordance with Policy ER 11 of the Swansea Local Development Plan (2010-2025).
- 19 Prior to the commencement of development, a Sensitive External Lighting Strategy for the site 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, and other nocturnal species. 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: The Strategy shall aim to protect bats, other nocturnal species, and the wider environment in accordance with Policies ER 8 and RP3 of the Swansea Local Development Plan (2010-2025).
- 20 No dwelling shall be occupied until the foul drainage system for the site have been connected to the public foul sewer. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment in accordance with Policy RP4 of the Swansea Local Development Plan (2010-2025).
- 21 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 application and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. in accordance with Policies HC1 and HC2 of the Swansea Local Development Plan (2010-2025).

### Informatives

- 1 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: 1,2,7,9,28.

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS3, IO1, H2, H6, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9 ER11, CV1, T1, T2, T5, T6, T7, EU4, RP1, RP2M RP4 and RP10.

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- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

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

- 4 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).
- 5 Birds may be present in these grounds. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild 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.

- 6 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).

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- 7 Dormice are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk))
- 8 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)).
- 9 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.
- 10 Dwr Cymru Informative Note:  
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.

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Item 1 (Cont'd)

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- 11 The following pollution prevention measures will be required:
- Construction Noise - The following restrictions should be applied to all works of demolition/ construction carried out on the development site All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - Smoke/ Burning of materials - No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - Dust Control - During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - Lighting - During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations.
- 12 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group , The City and County of Swansea, Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)
- 13 The applicant is advised that to the proposed arrangements for future management and maintenance of the proposed streets that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 14 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering> or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

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

Item 2

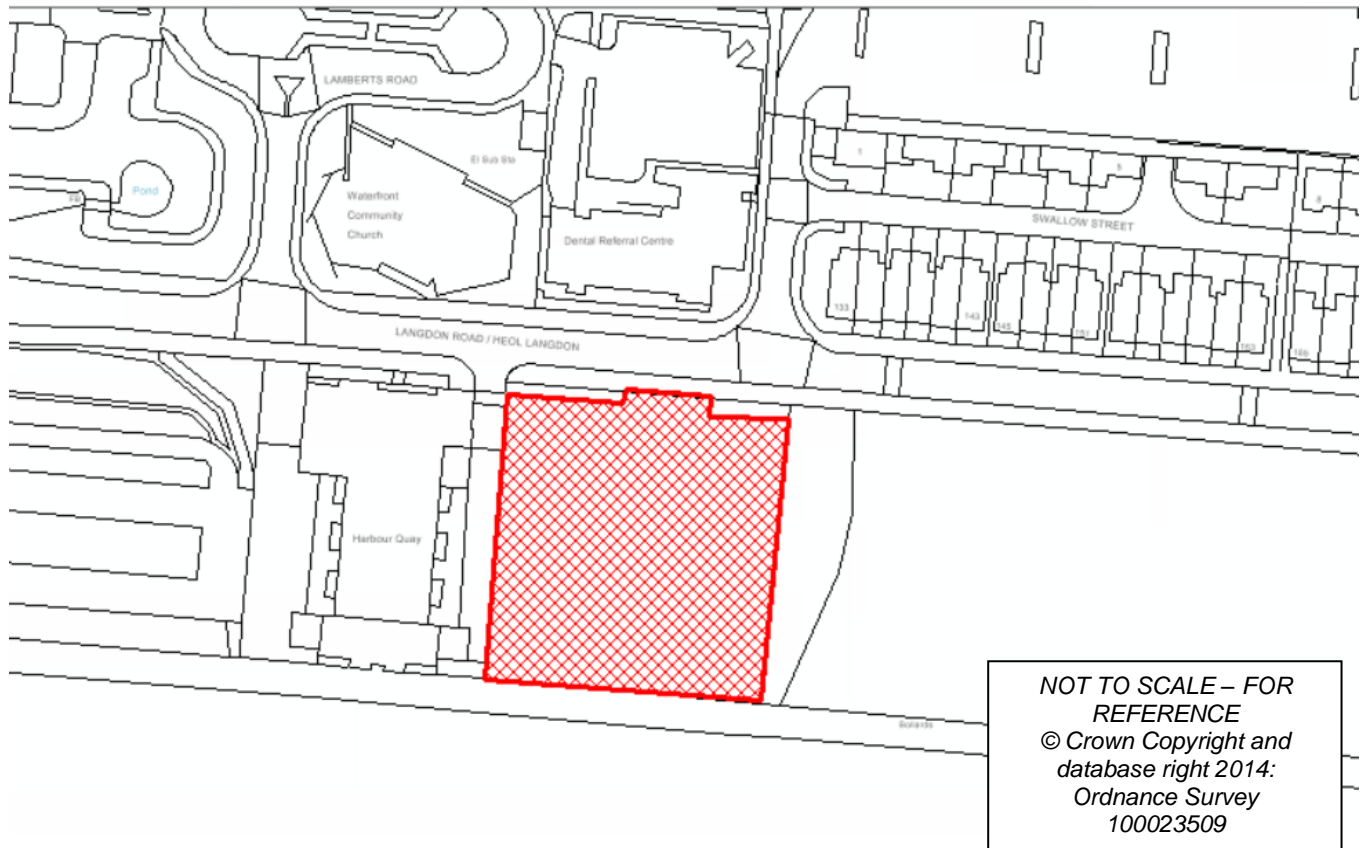
Application Number: 2022/1109/RES

Ward: Waterfront - Bay Area

Location: Plot D5b, Land South Of Fabian Way And East Of River Tawe Swansea

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

Applicant: Pobl



### Introduction

The application is being reported to Planning Committee as the development is a major development of more than 20 dwellings.

### Application Site Context

The site is located between the southern side of Langdon Road and the promenade along Prince of Wales Dock and comprises land incorporated within Plot D5b of the SA1 Swansea Waterfront Masterplan. The adjoining site to the west on Plot D5a was constructed in 2010. The application site is a cleared site and forms development platform with a site area of 0.3 hectares. The graded site has a general fall of approx. 2 metres from the rear down onto the promenade and the level change across the site would be absorbed across the site.

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### Description of Development

Reserved Matters Approval is sought for the residential development of 35 no. apartments and 8 no. townhouses and associated works pursuant to the SA1 Swansea Waterfront outline planning permission 2015/1584 approved 13th May 2016 on Plot D5b. The general layout concept has been designed to respond to the form of recent built and approved developments along the southern and northern sides of Langdon Road with the provision of frontage development to Langdon Road with a central access around a communal courtyard with the southern elevation looking over Prince of Wales Dock. In this respect the scale, form and layout is similar to that approved on the adjacent plot - D5a.

The application site will have a proposed vehicular access off Langdon Road. As indicated the 8no. townhouses and 35no. apartments are designed to provide a strong street frontage to Langdon Road, Prince of Wales Dock and also the proposed area of public open space to the east. The respective blocks will look over a central, private courtyard car parking area with centrally placed refuse and recycling facilities. The primary materials would comprise of facing brickwork, grey aluminium windows and slate roof tiles. Within the revised site plan layout, the 43 units would be served by 29 car parking spaces within the courtyard area. Full details of the application are as per the accompanying plans and design and access statement.

The planning application has been supported with the following documents:

- Planning, Design and Access Statement;
- Drainage Strategy
- Transport Statement.

### Relevant Planning History

2015/1584 - Land South Of Fabian Way And East Of River Tawe Swansea - Application under Section 73 to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of the revised masterplan proposals for the 'Swansea Waterfront Innovation Quarter' - principally varying Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), and other conditions to the Section 73 application 2008/0996 (granted 11 October. 2010) which previously varied the original outline planning permission 2002/1000 (granted 19 August 2003) – Approved – 13 May 2016.

### Response to Consultations

#### ORIGINAL PROPOSAL

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices (23 May, 2022)

18 LETTERS OF OBJECTION have been received making the following comments:

- Overlooking/loss of privacy
- Adequacy of parking/loading/turning
- Highway safety
- Traffic generation
- Noise and disturbance resulting from use

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Item 2 (Cont'd)

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- This area should be green space - SA1 has no green space.
- There are already lots of apartments and houses that have very limited outside space and this plot should form part of the area for current residents to enjoy access to outdoor space along with the view.
- There are lots of plots within the SA1 area that can accommodate the new development plans. This specific plot will cause further disruption to the immediate area.
- The houses within the area have all been designed to take advantage of the view across this space. 4 new properties will gain the view and 20+ properties will lose their view. There are many more plots within the area very suitable for this development plan that will not cause the loss of view and disruption that developing these plots will bring.
- The smaller proposed green space will not add to the area. It will turn the area into a concrete jungle.
- Considerations need to be made to improve the area sympathetically to consider the current residents that have already invested in to the area and this part of the SA1 development.
- SA1 development needs to be finished to a functional standard to enhance the area and improve the space for existing residents.
- This area of land proposed for this build needs to be allocated as a green zone as there's nothing for the community due to the volume of houses and apartments in the area currently and future approved builds.
- The siting, design, and external appearance of the proposed development particularly the visual, height and bulk of the proposed developments is far too high and intrusive.
- The loss of sunlight or daylight to my neighbours property and my fellow neighbours due to the height and position of the build which will completely blocks any amenity views currently enjoyed.
- The likelihood of undue and increased noise level and additional fumes that will increase the pollution and decibel levels in this vicinity.
- The effect of additional traffic on Langdon Road which has already increased since the end of the Langdon Road now bring changed to a two-way system which was one way until recently. Now seeing increase in cars, lorries and transporters using this road as a main route.
- The effect on trees and the current wildlife populations especially the variable selection of birds that feed daily in this plot. They all have nested and produced young.
- There's a distinct lack of green amenity area for children to play or any green recreational area for adults to sit or exercise is non-existent for this area based on the number of dwellings.
- The concern of the increase sewerage requirement and disposal capacity requirement for the area due to this proposal.
- The area needs more recreational areas and not more housing on a plot that is seriously threatened with overcrowding. This area has for the past 3 years been designated as park area and this idea is being steamrolled by short term greed.
- Increase in noise, dust and pollution during the construction phase.
- Insufficient parking - only 32 spaces for 43 dwellings designed for up to 140 people! Parking for residents and their visitors in the area is already a major issue and this will only exacerbate an already contentious issue.
- Parking for tradesmen and construction vehicles will also be a significant issue during construction.

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- Increased traffic - Langdon Road has already seen a significant increase in traffic, including large commercial vehicles, since it was opened both ways (without consultation. This development will lead to even more, including construction vehicles.
- The scale of the proposal will take light from Harbour Quay and residential properties on Langdon Road.
- The height of the development will also lead to overlooking and loss of privacy for existing residents on Langdon Road - and potentially Harbour Quay.
- The development is too large for the proposed site.
- It will take light from neighbouring properties and overlook them.
- There are already reported drainage and sewage capacity issues in the area. This needs to be fully investigated and addressed before any new development. Welsh Water have not identified this in their comments, but it is a known issue to existing residents and Welsh Water have had to take action on a number of occasions.
- The site, together with plot D9b should be developed as green space for the existing community. There is already a high population density in the area with no usable green spaces.
- A risk assessment should also be carried out following the opening of Langdon Road to assess the additional impact of all planned proposals in the area.

### **Design Commission for Wales -**

#### The Proposals

The proposals are a Reserved Matters application for a plot located on a rectangular parcel of land situated on the waterfront within SA1 - a major regeneration initiative in the Swansea docks area. The site is approximately 0.3 hectares in size, and will provide 43 affordable dwellings, comprising of 35 apartments and 8 townhouses, with landscaping and associated works.

The development will be 100% social rent, and the development will also comply with Pobl's Net Zero Carbon Plan which goes beyond WDQR in terms of addressing fuel poverty and carbon reduction.

#### Main Points

The panel appreciated the clearly communicated nature of the presentation.

#### Interface of buildings with outdoor space

The proposals would benefit from contextual studies of the successful high level terraces and elevated terraced frontages of the houses also facing the waterfront of SA1, and how their successes could be replicated on this scheme.

The proposals would benefit from a better social link with the parkland, and the developer clarified that they seek to work with the LPA to mesh their proposals with the park. The interface between the buildings and the park is key.

#### Links to amenity space

The circulation zone would benefit from the further development of a garden area. The common areas would benefit from the inclusion of dwell spaces and window seats.

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The spatial relationship between semi-public and private space could be explored further. This testing should focus on what people are likely to do in each space, and if the spaces are suitable. It is also worth exploring how children would safely access the park from the townhouses, as well as the apartments.

#### Layout

The client and design team stated their desire to develop a strong façade to frame the park, but this requires further design exploration. The concept of breaking down the monolithic character of the buildings is strong; however, it requires further design development, particularly the main elevation, and the corner design.

#### Waterfront views

It is of key importance that any dwellings have views to the water where possible, as this helps to locate the scheme in its waterfront location.

#### Overheating and Ventilation

It is important that dwellings are dual aspect where possible in the scheme, and that there are windows on the maximum number of elevations, in order to aid with future overheating. Maximising floor to ceiling heights will also help with resilience when it comes to future overheating, and it is of key importance that floor to ceiling heights are not sacrificed in this development for MVHR ducting.

#### House Types and Layouts

The client and design team discussed the potential for separate kitchen and dining rooms, as the current layout was perceived to be too tight.

The proposals would benefit from the exploration of whether the elevations can communicate what is housing, and what is circulation, particularly facing the courtyard.

#### Parking and the Courtyard

The courtyard would benefit from further design exploration, as it would benefit from being greener. The client and design team stated the potential for on-street parking on Langdon Road, which would alleviate some of the parking issues regarding provision on site. The panel would encourage the design team to look at car clubs and other strategies for reducing car use on site.

The courtyard would benefit from becoming a space that can support communities, such as a community garden, which would provide communal space that is less public than the park, but more social than the balconies.

It is important that the design of the courtyard is explored at a human scale, through sketches and CGIs, and that these explorations also consider views from the balconies of the adjacent building.

The addition of greenery to the lower levels of the building was discussed in order to add visual interest, as well as the inclusion of well-designed bin and cycle storage, in order to improve views for those looking out on to the courtyard. It is of key importance that the courtyard is overlooked and well-designed, and it would benefit from being linked to the waterfront edge.

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This could be possible with the removal of some of the parking spaces. It is also important that any SUDS strategy on site explores how SUDS can become active spaces, as well as drainage. The client clarified that they will be maintaining the SUDS and site edges.

### Energy Strategy

The individual or shared nature of the heat strategy will affect the layouts of the building, as well as individual dwellings. The client stated that they are currently looking at a communal heat pump and heat recovery ventilation system in order to reduce capital and maintenance cost, however, they clarified that they will need to test the M&E strategy. The client also stated that the strategy used on these buildings could become a blueprint for Pobl going forward. The panel encouraged the client to focus on the level of detail of the energy strategy at this point of the design process, rather than during the contractual phase, and to be careful of the design gap, particularly regarding airtightness, and consider impacts on internal layouts and elevations.

### Retaining quality through to delivery

It is of key importance that this development has long-term public value, and the panel would encourage the design team to look at sophisticated contract selection matrixes in order to maximise design quality when appointing contractors.

### AMENDED POPOSAL

Following receipt of amended plans, the objectors were re-consulted.

17 FURTHER LETTERS OF OBJECTION have been received, making the following points:

- Flood Risk - All reserved matters applications must be accompanied by levels - no details are indicated.
- Condition 10 requires contamination risk details;
- Parking - The proposed development will provide 43 dwellings. The submitted plans identify 32 spaces which falls well short of the adopted standard set out in the Councils Supplementary Planning Guidance (SPG) - City and County of Swansea Parking Standards March 2012. No details have been submitted to support a significant reduction in car parking.
- Added to this the original plans showed a Park on this area which would be so much better for the well being of the community and the environment as green space is critical to supporting healthy living. Children have nowhere to play in this area at all.
- The design height and bulk of properties will cause problems for existing properties, causing loss of sunlight and indeed light in general. There will be
- loss of privacy with increased noise and fumes generated by the increased population.
- There is already a great strain on the sewage system and other services. The sewage system is already struggling with the volume of houses, with blockages a regular occurrence and noxious fumes ever present.
- Now that Langdon Road is open to 2way traffic it has become increasingly dangerous to enter and exit sites. Langdon Road has become a rat run with many vehicles failing to adhere to the speed limit. This development will only make matters worse.

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**Dwr Cymru Welsh Water** - We have no objection, in principle, to this application for approval of the reserved matters. As part of this application, we acknowledge receipt of a 'Drainage Strategy' (Drawing No. 14174\_500 Rev. 01) which appears to seek approval for discharge of condition 17, according to the application form, and indicates proposals to discharge foul and surface water flows to the public sewer and adjacent dock respectively.

Therefore, in principle, we offer no objection to this application for discharge of condition 17 on planning permission 2015/1584.

**Natural Resources Wales** - We have no comment on condition 6, 8 and 9 of the above planning permission.

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

**Designing Out Crime Officer** - a number of recommendations are made in order for the development obtaining the Secured by Design (SBD) Gold Award.

**Housing** - This development by Pobl on the site at plot D5b is proposing 100% affordable housing scheme which is significantly higher than the requirements for this housing zone. The affordable housing mix and tenure is acceptable. All affordable housing must be built to WDQR Standard.

Housing is supporting the affordable housing on this scheme through the Programme Development Plan for Welsh Government Funding.

**Pollution Control** - I have no comments to make on this application as conditions 6, 8 & 9, in 2015/184, do not relate to issues previously commented upon by Pollution.

The application refers to condition 19 but this is not mention in the applicant's covering letter and there is no supporting document for the CEMP.

**Ecology** - *Buddleia davidii* should be removed from the planting scheme as it becomes very invasive.

Also many of plants specified are non-native. Would welcome more native species. For example, *Viburnum opulus* rather than *V. davidii*, *Iris pseudocorus* or *I. foetidissima* rather than *I. sibirica*, *Geranium pratense* or *G. sanguinum* rather than *G. rozanne*, *Digitalis purpurea* rather than *Penstemon digitalis*, *Limonium vulgare* rather than *Verbena banariensis*. The climbing hydrangea could also be substituted by a native climber such as ivy (*Hedera helix*) or honeysuckle (*Lonicera periclymenum*), which are both very beneficial to native pollinators. Swift and bat bricks should also be included within the buildings.

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

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**Waste** - Based on the assumption that the refuse store shows the capacity of 19 x 1100 litre wheel bins, there is sufficient storage for waste & recycling for the residents of 35 one bedrooomed apartments.

If the wheel bins are smaller than 1100 litre, a re-assessment will be required.

The plans only show one entrance to the refuse store.

For practicalities it may be prudent to allow residents to access the refuse store from the stairwell inside the building

### **Local Highways Authority -**

Amended comments based on revised drawings/additional supporting documents December 2022.

A Transport Statement has now been produced, also a Road Safety Audit has been included in relation to the new proposed access onto Langdon Road.

Turning first to the Road Safety Audit the document has been discussed with the CCS Road Safety Auditor. The RSA reported no issues at all but it is apparent that there are issues that were not picked up, hence no designers response was included. These include:

1. No swept paths had been provided hence it was not possible to determine that the width of the access (4.2m) is inadequate to cater for a fire tender (Swept paths were only provided in the Transport Statement, and only a 8m fire tender was assessed at all).
2. No give way line was included at the priority junction with Langdon Road.

The RSA did identify issues regarding the visibility splays being impacted by the tree planting but no designers response to this was provided.

The scheme is proposing car parking significantly below the CCS Standards. The TS has completed a Sustainability Appendix but the Transport Consultant has deliberately failed to observe the proviso that (outside the City Centre Core area) at no time can the parking drop below one space per unit. In this instance that equates to a minimum of 43 spaces plus visitor provision at one space per five units. This is a bare minimum as the mix of units includes 8 four bedroom units, 14 2 bedroom flats and 21 number 1 bedroom flats. The sustainability appraisal is flawed, whilst the starting position is agreed at 82 the arrival of an acceptable figure of 29 spaces is disputed and the Highway Authority does not accept these findings, nor the level of car parking proposed. Even allowing a reduction of one space per unit (and subject to a minimum of one space per unit) there is the requirement for 60 spaces. Only 29 spaces are shown on the current proposed site plan.

There are also concerns that given the significant under-provision of car parking then cars would park indiscriminately thus preventing access for any emergency or delivery vehicle that might need to enter the site.



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Swept paths were provided to demonstrate that a fire engine (8m) can enter and turn within the site to allow egress in a forward gear. However the narrow nature of the access (4.2m) and cramped layout of the site is such that it is not considered that the site could be safely accessed by refuse vehicle, fire tenders nor delivery vehicles or removal vans. Furthermore the paths did not include any safety margin, only the wheel line and body line, notwithstanding that they showed the actual body line touching the site boundaries. It is noted that Wales and West Fire and Rescue has raised concerns regarding the internal layout with regard to accommodating Fire Tenders for fighting fires within the development. Given there is no alternative vehicular access then this is an unacceptable arrangement.

The revised site plan now includes a narrow footway (1m) adjacent to the vehicle ramp which provides a segregated pedestrian route. There are issues however with this as no gradients have been identified. New gates have also been introduced, one on the ramp and one on the pedestrian link. There are no gate details provided either. It is also of concern that the mechanism for housing the motors and/or the supporting structures are not shown. There are concerns that this may reduce down the available width for both vehicles and pedestrians to an unacceptable degree. The provision of a 1m pedestrian link is inadequate particularly as there is no alternative pedestrian access, which would render the scheme unacceptable to people with prams or using wheelchairs.

This is also the route that the residences to the south would have to use to bring the bins up to the communal bin store. There is considered to be an overlong carrying distance for waste management and it is not located conveniently in relation to those southern dwellings.

No longitudinal section has been provided through the ramp (despite requests for one to be submitted) nor does it appear that any transition gradients are proposed to allow access by all vehicles. There are concerns that in the absence of an appropriately graded ramped access then the vehicles would ground and the whole car park would therefore be unusable. There appears to be different spot heights shown on differing drawings with regard to the FFL of the buildings and of the car park which further makes gradients difficult to ascertain.

An element of cycle storage has been shown but the layout is cramped and the levels indicated are below those set out in the parking document, as such it is not shown to be a useable facility that would help encourage sustainable modes of travel.

Taking the above comments into account, and issues arising from the TS and RSA I am not in a position to support the proposal and recommend that the application is refused on the grounds of;

1. inadequate car parking,
2. inadequate cycle parking,
3. overlong carrying distances to the bin storage area,
4. inadequate provision for pedestrian movement through the site,
5. vehicular access too narrow for two way flow and/or to allow for a fire tender to enter the site.
6. Issues with the layout of the priority junction

All of which are considered detrimental to highway safety.

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**Strategic Planning and Placemaking Appraisal -**

Overview

This reserved matters application is concerned with Plot D5b as defined in the masterplan for SA1 Waterfront, with the intention of constructing 35 no. apartments and 8 no. townhouses and associated works. The site subject of this application comprises a rectangular parcel of land of approximately 0.3 hectares in size. The site is one of the remaining undeveloped building sites on the northern side of the Prince of Wales Dock. The South side of the site fronts onto the waterfront which consists of various apartment blocks, A3 class uses and other uses within the area.

Principle of Development

Strategic Policy PS 1 directs development to the most sustainable sites within defined settlement boundaries of the urban area. The Sustainable Housing Strategy set out in Strategic Policy PS3 includes creating new neighbourhoods at Strategic Development Areas (SDAs) within, and on the edge of, established settlements. This site is located within one of these SDAs identified in Policy SD 1, SD K Fabian Way Corridor.

Policy SD K identifies placemaking principles and developer requirements for SD K. It is allocated for mixed commercial, residential (525 dwellings) and employment development to complement the role of the Swansea Central Area as the City Region economic driver, facilitating an Innovation Corridor to support University expansion, and capturing the benefits of the planned Tidal Lagoon.

The site includes a range of existing mixed commercial, residential, and employment areas. The policy identifies that SA1 Swansea Waterfront area has a masterplan linked to an existing planning consent that sets out uses for specific plots and capacities for various land uses. Development proposals within the SDA site should accord with Placemaking Principles and Development Requirements set out in the Policy including:

- Create sustainable residential neighbourhoods in appropriate locations with community facilities and necessary infrastructure
- Structure development around a new spine street which prioritises Active Travel and public transport
- The eastern Waterfront, City Approach, Spine Street and other areas of public realm should be defined by active frontages, a coherent building line, continuity of character, legible entrances and an appropriate urban scale of development. Street frontages will be required to combine activity and architectural quality.
- Create accessible sites which integrate positively with existing communities north and south of Fabian Way, public transport facilities, and Active Travel.
- Off-site highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessment
- On and off-site measures to provide good quality, attractive, legible, safe and accessible pedestrian and cycle linkages, both to and within the new development area, including the linkages set out in the Transport Measures Priority Schedule
- Provision of sports opportunities on site in accordance with FiT requirements with potential for accessible off-site improvements at the Ashlands playing field.

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- Incorporate Noise and Air mitigation measures into developments where necessary (including fronting Fabian Way and the railway line).
- Provision of affordable housing at the on-site target rate of 15%, subject to consideration of financial viability.

The latest masterplan for SA1 (varied through 2015/1584) shows this site designated for residential development. The principle for provision of residential development is therefore considered to be acceptable subject to the proposals being acceptable in terms of all the relevant policies of the Development Plan including placemaking, land contamination and flood risk, considered below. It is noted that 100% Affordable Housing is proposed which will make a welcome contribution to meeting the identified housing need.

### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.
- Swansea LDP Policies PS 2 and ER 2 highlight that:
- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource

In addition, the adopted Placemaking Guidance for Residential Development SPG provides important guidance on how the key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals:

The proposed scheme has been considered having regard to the above, and the following provides an assessment by the Council's Placemaking and Heritage Officer having regard to key subject headings as set out in the relevant adopted SPG:

### Neighbourhoods

The proposals seek to deliver new, quality homes within an established mixed use neighbourhood around Prince of Wales Dock within the SA1 masterplan area. There is a clear need for additional homes to be delivered at SA1, as set out in the relevant LDP Policy and masterplan for the site, and as such the proposals are consistent with the aim to deliver quality new and extended residential neighbourhoods in Swansea.

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#### Density and Mixed Uses

The proposal comprises 35no. 1-2 bed apartments all affordable and 8no 4 bed town houses. The scheme has an urban density which is welcomed for this dockside regeneration location.

The proposal is residential only in accordance with the approved SA1 outline masterplan. There is scope for a kiosk or pop-up food pitch in the adjacent future park area. The site is in a 15 minute walkable neighbourhood distance of various commercial and community facilities including health centre, local store, church, A3 F&B uses, public transport, plus 1km level walk/cycle to Swansea City Centre.

#### Blue/ Green Infrastructure

The proposal must comply with SUDs requirements and this is shown to be via raingardens and permeable paving to attenuate within the site with ecology and water quality benefits before discharging into the dock. This compact approach to SUDs means that there is no impact on useable amenity/ pedestrian space.

There is scope for limited residential planting on the public edges as part of the rain gardens. This will form a defensive space for the ground floor units with space for private amenity terraces.

#### Making Connections

The site lies within an existing street network with Langdon Road acting as an east west tree lined spine street accommodating all travel modes. The Prince of Wales Dock edge is also a key pedestrian area and the site proposals create a new north south path along the east end of the site alongside the future park.

#### Public Spaces

The proposal will create a strong active frontage to the east end of the adjacent future public park which will include provision for all ages and abilities including benches, play area, planting etc.

#### Streets as Places

There are no new streets created by this proposal but vehicles are brought into the site via a courtyard space for parking and turning. There is not a clearly defined 'safe' area for pedestrians to access the various building entrances and this could result in safety issues. Plus the vehicle access off Langdon Road should be designed as a pedestrian priority cross over as per earlier accesses in the area.

#### Inclusive Places

The scheme has a mixture of tenures. All paths have an accessible gradient. The flats are accessed via lifts.

#### Townscape

The proposal has a 3-5 storey scale and whilst the maximum accords with the approved 5 storey scale parameters for the site, the proposed 3 storey scale is a concern.

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To the north and south, the town houses maintain the building line of Langdon Road and Prince of Wales Dock frontage, however these 3 storey town houses are lacking in scale set between the existing 5 storey Harbour Quay building and proposed 5 storey flats. It is considered that this would create a discordant townscape and does not accord with the approved height parameters for this site with states that 5 storeys is required. In contrast the proposals for plot D9a which is being considered in parallel has 4 storey town houses as an acceptable transition of scale which is acceptable to step up to 5 storey apartments. Therefore this aspect requires amendments.

The apartment block has a strong continuous frontage wrapping round from Langdon Road to Prince of Wales dock with strong overlooking of the future park to the east. The apartments have a 5 story scale to the north and south with 3 storey element facing east onto the future park. This lack of scale is mitigated by a roof garden above the three storey element with a full height architectural screens on the east and west sides providing shelter from prevailing winds and giving the impression of a 4 storey roof line which is acceptable on balance.

### Quality and Character

The elevations incorporate robust brick finishes referencing the SA1 heritage buildings such as J Shed and accords with the outline masterplan design code. The apartments have projecting balconies which articulate elevations and large windows with warehouse character. The roof garden with architectural screen will add interest and articulation to the key frontage onto the new park.

On the basis that the flats are dual aspect with emphasis on the outward north, east and south elevations, the west courtyard elevation serves kitchen and bathroom windows and as a result has a less active and attractive appearance, plus is lacking in active frontage and natural surveillance. Therefore some units should have habitable rooms onto the courtyard with balconies to ensure it does not appear to be the 'back'.

The town houses follow a similar theme on the south elevations with large windows however and a roof terrace but a lack of scale as noted earlier.

### Community Safety

In general external areas are well overlooked. However the pedestrian route through the site could be gated on the basis that there is a public route along the park edge.

### Privacy and Amenity

All 43 homes have private amenity space in an urban not suburban format. The 4 town houses facing the dock have a very small dockside terrace slightly raised above the walkway level which is not considered sufficient. The 2 town houses onto Langdon Road have a front garden area to follow the established set back building line south facing and rear private terrace which is not considered sufficient. All 8 town houses elevated private amenity south facing deck at second floor (roof) level. This is welcomed in principle as a more urban way for houses to be provided with amenity space but when added together these amenity spaces are less than the house footprint and does not private adequate private amenity space.

Every apartment has private space in the form of useable balconies facing north, east and south. All apartments also have access to the communal roof garden area. However there does seem to be a mixed opportunity not to have windows/ terraces for the flats alongside this roof garden which is currently shown with blank two storey walls to either side.

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There are no issues with overlooking distances between blocks within the site nor in relation to surrounding existing development.

#### Accommodating Parking

The scheme achieves a parking ratio of less than 1 space per unit. Whilst the move towards reducing parking provision in accessible locations is supported as set out in Future Wales, it is not clear how the demand for parking would be managed in this instance and whether this could detract from the scheme.

Plus it is not clear if the bike store is of sufficient size to support active travel.

To sum up, the proposals are not acceptable at present and a number of amendments are required:

- Increase scale of town houses (note that rather than making the town houses taller there may be an option to explore that moves the apartments to 4 storey blocks onto Langdon Road and dock edge with the town houses facing the new park);
- Increase private amenity provision for townhouses;
- Amend flats to activate courtyard frontage;
- Define safe pedestrian area within courtyard;
- Clarify parking arrangements;
- Activate sides of apartment roof terrace;
- Clarify cycle parking arrangements

Given the nature of this scheme and other concurrent residential schemes in SA1 it is recommended that they are all reviewed by the expert and impartial Design Commission for Wales.

#### Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

The Council's Biodiversity and Development SPG provides details of how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

#### Other Key Issues

Historic land contamination - the site is designated as historic land contamination on the LDP constraints map.

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Flood risk - Current constraints map shows the site on the edge of flood risk areas associated with the docks. Future Flood Map for Planning shows Flood Zone 2 and 3 Sea. NRW has set out how it intends to advise decision makers in relation to the development management process going forward, where flood risk is a material consideration. On 23 November 2021, the Minister for Climate Change issued a letter to confirm that the impending new TAN 15 (Technical Advice Note 15: Development, flooding and coastal erosion) will not come into force until 1 June 2023. The Development Advice Map supporting the extant TAN15 is considered out of date by NRW, with no updates have been made for over 2 years and no future updates are expected. The new Flood Map for Planning (FMfP) is therefore considered by NRW to be the best available spatial information held on flood risk and is being updated every 6 months. On 15 December 2021, Welsh Government's Chief Planner issued a letter to clarify that the FMfP may be regarded as a material consideration. Therefore, NRW have confirmed that they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. The FMfP remains publicly available <https://flood-map-for-planning.naturalresources.wales/> and as such, it would be helpful to use it as part of constraints checking. The applicant should be advised of the position set out above in terms of the new TAN and the NRW approach to advice.

### Final Comments

The principle for provision of residential development is considered to be acceptable subject to the proposals being determined to be satisfactory in relation to all relevant policies of the Development Plan, including on placemaking, land contamination and flood risk matters. It is noted that 100% Affordable Housing is proposed which would make a welcome contribution to meeting the identified housing need.

Detailed Placemaking comments have been provided above. To sum up, the proposals are not acceptable at present and a number of amendments are required:

- Increase scale of town houses
- Increase private amenity provision for townhouses
- Amend flats to activate courtyard frontage
- Define safe pedestrian area within courtyard
- Clarify parking arrangements
- Activate sides of apartment roof terrace
- Clarify cycle parking arrangements

Given the nature of this scheme and other concurrent residential schemes in SA1 it is recommended that they are all reviewed by the expert and impartial Design Commission for Wales.

**Amended Proposals** - All aspects are now acceptable and approval is recommended in terms of placemaking.

### PLANNING APPRAISAL

The main material planning considerations in the determination of this planning application are set out as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;

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- Placemaking and Amenity;
- Highways, traffic, car parking, access and pedestrian movements;
- Flood Risk & Drainage Strategy.

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

### **Development Plan Policy and Supplementary Planning Guidance**

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 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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

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

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

Paragraph 3.3 states that 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.

Paragraph 3.4 notes that 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 2020-2025**

LDP - PS1, PS2 and PS3 - Sustainable Places, Placemaking and Place Management, and Sustainable Housing Strategy provide for the delivery of new housing within sustainable communities locations within defined settlement boundaries of the urban area and development should enhance the quality of places and spaces and should accord with relevant placemaking principles.



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The Sustainable Housing Strategy set out in Strategic Policy PS3 includes creating new neighbourhoods at Strategic Development Areas (SDAs) within, and on the edge of, established settlements. This site is located within one of these SDAs identified in Policy SD 1, SD K Fabian Way Corridor, and the site includes a range of existing mixed commercial, residential, and employment areas. The policy identifies that SA1 Swansea Waterfront area has a masterplan linked to an existing planning consent that sets out uses for specific plots and capacities for various land uses.

### SA1 Planning History

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

The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan seeks only to change those parts of the 2010 masterplan that have been acquired by UWTSU in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996.

The latest masterplan for SA1 (varied through 2015/1584) shows that D5b is designated for residential development and establishes the principle of residential development in land use and the scale of the development up to five stories is in accordance with the SA1 Masterplan and the reserved matters approval is therefore appropriate in general scale and massing terms.

### **Affordable Housing**

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. LDP Policy H2 seeks to deliver a minimum 3,310 affordable homes over the Plan period by setting targets for on-site provision of affordable housing to be delivered as part of residential proposals where appropriate and viable.

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Whilst LDP Policy H3 states that proposals include residential development on sites within settlement limits with capacity for 5 or more dwellings should provide affordable housing on site at the following target percentages, subject to consideration of the financial viability of the proposal.

However, in respect to the SA1 Swansea Waterfront mixed use development area, the Section 106 Planning Obligation completed in August, 2003 under the original outline planning permission 2002/1000 requires a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development. The completed residential development to date has been in accordance with this requirement, albeit the approved developments have not all incorporated a planning restriction to this effect and have been reliant on the Registered Social Landlords (RSL) developments to meet this requirement. This has been a deliberate policy objective in order to allow the private market housing to achieve a higher design quality.

It is considered appropriate that this current proposal makes a 10% affordable housing provision in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation. This position would be consistent with the decision to provide 10% affordable housing on the other adjacent development plots. Securing a 10% affordable housing provision would contribute to the delivery of the phased programme of the overall affordable housing provision within the SA1 development and would accord with the aspirations of Policy HC3 which seeks to negotiate the inclusion of an appropriate element of affordable housing and it is appropriate that this is tied to the planning permission via a Section 106 Planning Obligation.

### **Placemaking Guidance for Residential Development Design Guide (2021)**

LDP Policy PS2 stress the importance of Placemaking and Place Management and provides the context of the detailed layout. 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.

The adopted Placemaking Guidance for Residential Development SPG provides important guidance on how the key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals. The proposed scheme has been assessed having regard to the above by the Council's Placemaking and Heritage Officer having regard to key subject headings as set out in the relevant adopted SPG.

As outlined, the site is within a sustainable location within the SA1 Swansea Waterfront and there are a number of local facilities within walkable distance. The scheme has an urban density which is welcomed for this dockside regeneration location, and the proposed scale is in accordance with the guidance within the SA1 Masterplan. The site lies within an existing street network with Langdon Road acting as an east west tree lined spine street accommodating all travel modes. The Prince of Wales Dock edge is also a key pedestrian area and the site proposals create a new north south path along the east end of the site alongside the future park.

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The positive integration of public space is a key element of placemaking, and the proposed layout will create a strong active frontage to the east end of the adjacent future public park / area of open space. The proposal has a 3-5 storey scale and whilst the maximum accords with the approved 5 storey scale parameters for the site as outlined within the SA1 Masterplan. The elevations incorporate robust brick finishes referencing the SA1 heritage buildings and accords with the outline masterplan design code. The apartments have projecting balconies which articulate elevations and large windows with warehouse character, and provide dual aspects which provide good outlook for the residents and would also provide natural surveillance to the external areas. The pedestrian route through the courtyard would be gated to prevent public access.

All 43 homes will have access to private amenity space, with the townhouses having small dockside terraces slightly raised above the walkway level, and front / rear garden areas. Every apartment has private space in the form of useable balconies, and will also have access to the communal roof garden area. There are no issues with overlooking distances between blocks within the site nor in relation to surrounding existing development. The car parking will be accommodated within the courtyard area accessed from Langdon Road.

Objections have been received in respect of neighbouring amenity, due to the building heights of existing residential development in the vicinity of the site. However, as indicated above, the SA1 Masterplan indicates that this development plot should be developed by a five storey development in order to achieve an appropriate urban scale. It should be noted that the adjacent apartment block 'Harbour Quay' is 5 storeys in height, whilst the townhouses slightly to the north east of the site are 4 storeys in height. As such, it is considered there would be an adverse effect on neighbours amenity through any loss of light or overlooking. In light of the above, it is not considered that the proposed development will result in any detrimental impacts on residential amenity, complying with the relevant requirements of Policy PS 2 as well as the Placemaking Guidance for Residential Development SPG.

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

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

Highways and Active Travel - The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

CCS Highways have raised objections to the proposed layout, based on inadequate car and cycle parking, overlong carrying distances to the bin storage area, inadequate provision for pedestrian movement through the site, vehicular access too narrow for two way flow and/or to allow for a fire tender to enter the site; and issues with the layout of the priority junction.

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The applicant has responded to these issues through the Highway Note, in addition to the submitted Transport Statement (TS) and Road Safety Audit in relation to the new proposed access onto Langdon Road. These have now been accompanied by swept path analysis, using an 8.0m long fire engine, which can access and exit the site without encroachment. Additionally, a ramp longitudinal section has been submitted indicating an acceptable 1: 14 gradient. A new access is to be provided from Langdon Road, which can achieve appropriate vision given that the road follows a straight alignment. A give-way line will be included at the priority junction with Langdon Road. In terms of vehicle movements, the site has already been assessed as being suitable for residential development by virtue of the outline approval and it is therefore considered that there will be no issues in this regard. As a result, the scheme is compliant with Policies T 1 and T 5, not least in that suitable access to the site can be provided which will not have any detrimental impact on highways safety or efficiency.

The proposed scheme is proposing car parking significantly below the CCS Standards, with 43 units served by 29 car parking spaces and there are concerns that this can cause indiscriminate parking. However, it is worth highlighting that the CCS Car Parking Standards date from 2012, preceding the adoption of the Swansea Local Development Plan (adopted 2019) and as such may now be regarded as out-dated in terms of the current national planning policy shift to reduce car parking in sustainable locations. It is worth highlighting as well, that the City Centre core areas which relax car parking standards are currently being reviewed.

The current Future Wales / PPW guidance on car parking is relevant:

*FW Policy 12....Planning authorities must plan the growth and regeneration of the National and Regional Growth Areas to maximise opportunities arising from the investment in public transport, including identifying opportunities for higher density, mixed use and car free development around metro stations.*

*Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement.*

*Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time....*

Planning Policy Wales

### *Car Parking*

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

*4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.*

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*Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.*

Therefore, the site forms part of the wider SA1 development area, which whilst located outside of the City Centre 'Core', aims to create a walkable neighbourhood on the northern side of the dock, whereby the streets and spaces are designed to promote the use of walking, cycling and public transport. Given the accessibility of amenities within the locality, it is unlikely that not all future residents will have need of a private car. It is also contended that the SA1 developments need to accommodate a certain number of units to achieve the required scale of development (in accordance with Masterplan) and the provision of car parking guidelines resulting in a car dominated layout would detrimentally affect the required high design quality. Additionally, in respect of car parking, the SA1 Design & Development Framework advises that parking should be concealed within courtyards / undercrofts; limit car parking numbers on individual plots to the minimum necessary for viability; provide general public parking on strategic located plots. There are also numerous precedents within SA1 for a ratio of less than 1 for 1 parking with the planning permission for the completed development on plot D5A - ref: 2009/0330 which is a Coastal development - 69 apartments with a car parking provision of only 52 spaces. No objections were raised by CCS Highways at that time and it is noted that the permission was subject to a planning condition requiring the provision of a car club.

A further consideration is that it is anticipated that car ownership amongst residents will be lower due to the mixed tenure proposed - circumstances evidenced at other similar developments owned by the Applicant, and this is also acknowledged within CCS Parking Standards. It is also highlighted that the development will be managed by Pobl, who have advised that the car parking will be subject to a parking management plan, with the allocation of the parking spaces in line with the overall lettings policy. In terms of cycle parking, a parking shelter is indicated in the courtyard area for 20 no. cycles and there is refuse storage area with access directly onto Langdon Road and no objections are raised by CCS Waste.

Given this, it is considered that a reduced car parking provision is appropriate and will not result in any overspill parking that could be detrimental to highways safety. It is therefore considered that, on balance, the scheme is compliant with the Parking Standards SPG and Policy T6 due to its highly sustainable location and unique factors.

### **Drainage and Flood Risk**

Condition 8 of the outline planning permission (ref: 2015/1584) indicates that each reserved matters application for each phase of the development must have regard to the recommended finished floor levels (ffl) within the Environmental Statement Addendum. Whilst the Addendum recognises that there is an existing flood risk to the wider SA1 development area, it proposes that finished floor levels for residential buildings should be 7.50m AOD, which would be in accordance with TAN15 - Development and Flood Risk (2004). The proposed development indicates the ffl of the townhouses fronting Prince of Wales Dock will be 7.50m, with those fronting Langdon Road increasing to 9.985m AOD and would therefore conform to the planning condition and would address the potential flood risk across the site.

The submitted drainage scheme confirms that suitable foul water, surface water and land drainage arrangements can be achieved. The scheme also demonstrates compliance with SAB (SuDS Approval Body), approval of which will need to be sought as a separate consent process.

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Roofs of buildings and impermeable hardstanding areas will drain to SuDS components such as raingardens or permeable paving. Water will pass through these SuDS features, which will provide improvements to water quality, to a below ground conveyance system that will connect to the existing surface water sewer that passes through the site and discharges to the Prince of Wales dock. As advised by NRW, developments in SA1 discharging surface water to the Prince of Wales Dock can do so attenuated. Therefore, surface water runoff from the development will not be restricted to any controlled rate. The proposed SuDS components will maximise amenity benefit within the development and the use of many planted SuDS features will provide plentiful opportunity for biodiversity benefit.

Foul drainage from the proposed development will discharge to a private below ground gravity system which will connect to a private foul pumping station at the lower southern part of the site. The pumping station will then pump foul waste up to a chamber at the site entrance adjacent to Langdon Road. Foul waste will drain via gravity from the chamber at the site entrance to the existing foul sewer in Langdon Road. The foul drainage system from the chamber at the site entrance to the connection point to the existing sewer in Langdon Road will be adopted by Dwr Cymru Welsh Water, who raise no objections.

### **Landscaping / Green Infrastructure and Ecology**

Policy ER 2 (Strategic Green Infrastructure Network) of the adopted LDP requires new developments to protect and enhance existing green spaces and the connectivity of the County's multi-functional Green Infrastructure (GI) network. Furthermore, one of the key underlying principles of placemaking, as set out within Policy PS 2 (Placemaking and Place Management) is for developments to integrate efficiently with the County's GI network. Policy ER 9 requires development proposals to maintain, protect and enhance ecological networks and features of importance for biodiversity.

The proposals incorporate planting within the soft landscaping areas, throughout the development, which seeks to contribute towards the urban greening of the area by providing multi-functional spaces for recreation and biodiversity. As there are limited existing GI features on the site itself, the landscaping scheme will provide a significant betterment in terms of contributing towards the GI network and placemaking of the area.

The landscaping scheme includes planting within the central courtyard and to the perimeter of the apartment blocks. These areas will be multi-purpose, providing shared amenity space for residents and habitat for birds, insects and other animals. Additionally, the landscaping features integrate the development with the new proposed area of open space which will be located adjacent to the east of the site. Whilst the scheme requires the removal of a single existing tree along Langdon Road to allow vehicular access into the development, this is category C tree and its loss will be compensated for elsewhere in the development.

It is worth noting that the area located to the east of the application site is designated in the masterplan as a green space which will provide Public Open Space to serve the area.

As such, it is considered that the development proposals comply in full with Policies ER 2, ER9 and PS 2 in respect of Green Infrastructure when considered in the wider context.

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**Contamination**

Reference has been made in the submitted representations regarding site contamination. The LDP constraints Map identifies the site as lying within an area of Historic Contaminated Land associated with the past industrial uses at the site. In accordance with conditions imposed on the outline planning permission, updated intrusive site investigations will be undertaken prior to any developed to ascertain any contamination present at the site and any necessary remediation measures. However, this is not envisaged to be a constraint to development given that the site has been identified as being suitable for residential development under the outline planning permission which was accompanied by a SA1 wide contamination risk desk-study, and adjacent sites having being successfully developed for such use.

**Planning Obligations:**

The Planning Obligations associated with this development include:

\* Provision of 35 affordable housing units on site to WDQR (of which 21 would be Social Rented and 14 would be Intermediate) - all to be disposed of via a RSL

**Conclusion**

The site is situated within the SA1 Waterfront Area of Swansea, with the approved outline planning permission (ref. 2015/1584) and the accompanying masterplan for SA1 (varied through 2015/1584) shows that D5b is designated for residential development and establishes the principle of residential development in land use and the scale of the development up to five stories is in accordance with the SA1 Masterplan and the reserved matters approval is therefore appropriate in general scale and massing terms in terms of building height parameters set out on the outline Masterplan.

The proposal includes a full provision of affordable housing, that will make a meaningful contribution to the housing requirement and the identified requirement of 3,310 affordable dwellings within the LDP plan period. The scheme proposes highly energy efficient homes utilising renewable and sustainable energy sources including solar panels and ground source heat pumps. The scheme incorporates a landscaping scheme incorporating Green Infrastructure features to create an attractive, healthy and biodiverse environment.

The layout has been designed in accordance with the Placemaking Guidance for Residential Development Design Guide and careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance.

The development is policy compliant scheme in terms of LDP Policies SD:K, PS 1 and PS 2 and would also provide valuable affordable housing in accordance with Policies H2 and H3.

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.

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### RECOMMENDATION:

**APPROVE** subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clause:

#### Affordable Housing:

- **10% affordable housing on-site in line with LDP Policy. The AH units will need to be WDQR Compliant (or equivalent), and delivered in the mix of property sizes/types and affordable tenures as indicated in the application. The design and specification of the affordable units will be equivalent quality to those used in the Open Market Units.**

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, H2, H3, and IO1 of the Swansea Local Development Plan 2010 - 2025**

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

154238-STL-00-00-DR-A-0100-PL-P12- Site Location Plan; 154238-STL-00-00-DR-A-0101-PL-P12 Site as Existing; 154238-STL-00-00-DR-A-0109-PL-P12 Site Boundary Treatment Plan; 154238-STL-00-XX-DR-A-0200-PL-P12 Site Sections as Existing; 154238-STL-00-XX-DR-A-0201-PL-P12 Proposed Site Sections; 154238-STL-00-XX-DR-A-0202-PL-P12 Site Elevations Sheet 1; 154238-STL-00-XX-DR-A-0204-PL-P12- Site Elevations Sheet 3. 154238-STL-00-XX-DR-A-0300-PL-P12-3D - Dockside - Park Elevation; 154238-STL-00-XX-DR-A-0301-PL-P12-3D Langdon Road - Entrance; 154238-STL-00-XX-DR-A-0302-PL-P12-3D Langdon Road - Park Elevation; 154238-STL-00-XX-DR-A-0303-PL-P12-3D View from Above; 154238-STL-00-XX-DR-A-0304-PL-P12-3D Langdon Road - Corner; 154238-STL-00-XX-DR-A-0305-PL-P12-3D Langdon Road - Street Level; 154238-STL-00-XX-DR-A-0306-PL-P12-3D Street Level Prince of Wales Dock; 154238-STL-02-XX-DR-A-20001-PL-P12 Apartment Elevations - Sheet 2; 154238-STL-02-XX-DR-A-30001-PL-P12 Apartment Sections; 154238-STL-02-ZZ-DR-A-10002-PL-P12 Apartment Plans - Second & Third Elevations; 154238-STL-02-ZZ-DR-A-10003-PL-P12 Apartment Plans - Fourth and Roof Elevations; 154238-STL-03-ZZ-DR-A-00101-PL-P12- 4 Bedroom 7 Person Town House; 154238-STL-04-XX-DR-A-00102-PL-P12 1 Bedroom 2 Person Apartment; 154238-STL-XX-00-DR-L-90001 Rev P05 Proposed Landscape Plan; 155238-STL-03-XX-DR-A-10100-PL-P12 2 Bedroom 3 Person Apartment; 14174\_501\_Rev 02 Drainage Details Sheet 1; 14174\_502\_REV 01 Drainage Details Sheet 2; 14174\_503\_R02 Surface Water Drainage Plan; 14174\_504\_R02 Foul Drainage Plan; 14174\_903\_R02 Fire Tender Vehicle Tracking - amended plans received 19 December, 2022.

154238-STL-XX-00-DR-L-90002 Rev P05 Planting Detail - 22 Dec 2022.

154238-STL-00-XX-DR-A-0307-PL-P12-3D Car Parking View; 154238-STL-00-XX-DR-A-0308-PL-P12-3D Car Parking View 2; 154238-STL-03-ZZ-DR-A-00101-PL-P14 4 Bedroom 7 Person House - 30 Jan. 2023



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14174\_710\_R01 Access Ramp Longsection; 154238-STL-00-00-DR-A-0001-PL-P14 Proposed Site Plan; 154238-STL-00-XX-DR-A-0203-PL-P14 Site Elevations Sheet 2; 154238-STL-02-XX-DR-A-20000-PL-P13- Apartment Elevations - Sheet 1; 154238-STL-02-ZZ-DR-A-10001-PL-P13 Apatment Plans - Ground First Level - 14 Feb. 2023

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

- 2 Prior to the commencement (excluding excavation, site preparation and enabling works) of the relevant part of the development, 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. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.

Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

- 3 Prior to the commencement of any external works to the superstructure, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Typical window and door units within their openings;
- Entrance canopies and balustrading;
- Details of the location, external design and finishes of any visible external ventilation;

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

Reason: Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

- 4 Notwithstanding the provisions of schedule 2, part 1, Classes A, B, C, D & E 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 or buildings shall be erected on the dwellinghouses other than those expressly authorised by this permission.

Reason: In order to control inappropriate extensions/ alterations and outbuildings adversely affecting the character and appearance of the residential development in accordance with Policy PS2 of the Swansea Local Development Plan (2010-2025).

- 5 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

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- 6 The development shall be completed in accordance with the principles of the submitted Green Infrastructure and Landscaping Strategy and in accordance with a detailed scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and to include details of species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with Policies ER2 and ER 9 of the Swansea Local Development Plan (2010-2025).

- 7 Prior to the beneficial occupation of any part of the development, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied in accordance with the approved plan.

Reason: In order to ensure the car parking is managed to prevent indiscriminate car parking in accordance with Policy T6 of the Swansea Local Development Plan (2010-2025).

### 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: [LDP Policies PS1, PS2, PS3, IO1, H1, H2, H3, S11, S15, S16, S18, ER1, ER2, ER8, ER9, T1, T2, T5, T6, T7, EU4, RP1, RP2 & RP3]

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

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

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- 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/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.
  
  - 4 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group , The City and County of Swansea, Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)
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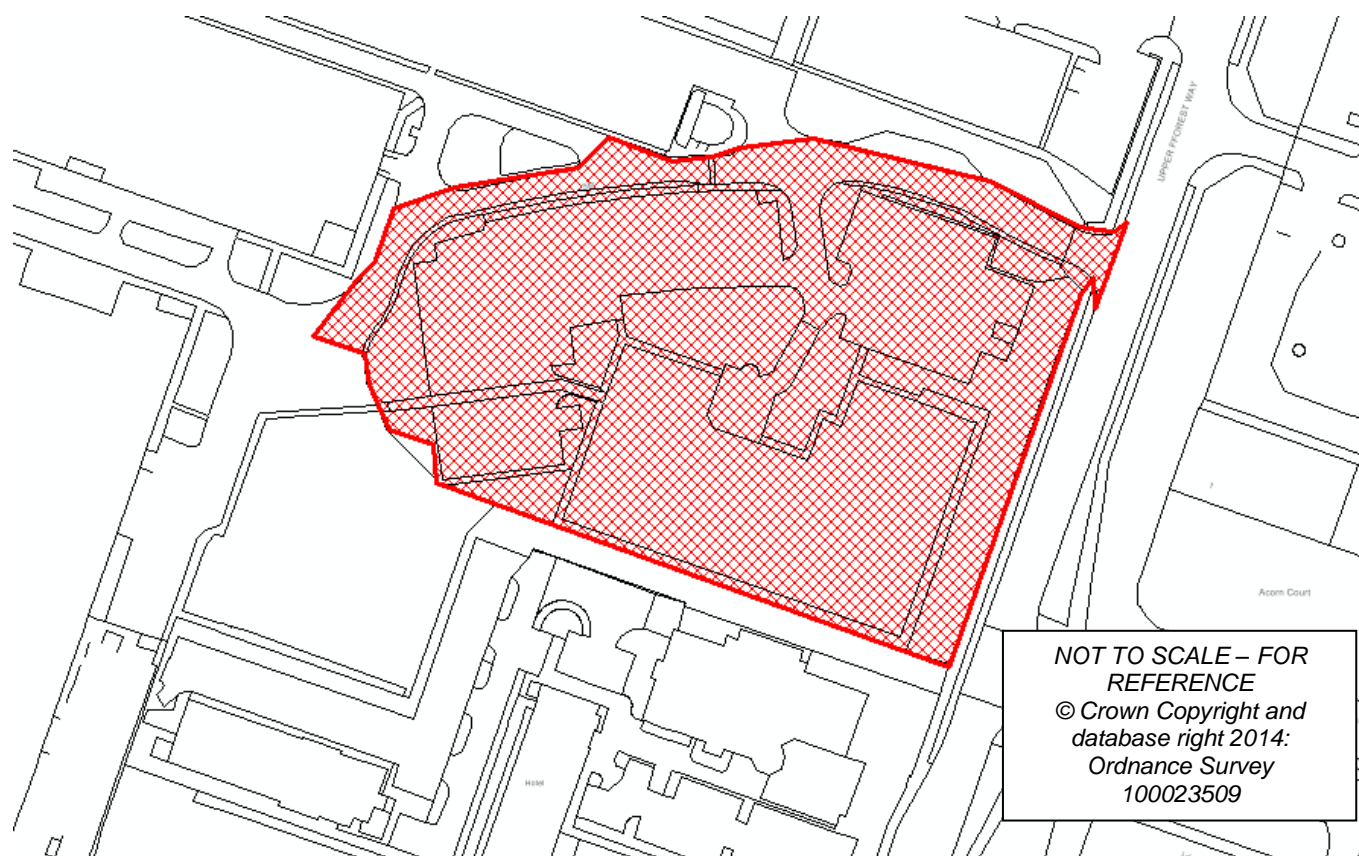
**Item 3**    **Application Number:**                                2022/2937/FUL

**Ward:**    Llansamlet - Area 1

**Location:**                                **Pendragon Property Holdings , Upper Fforest Way, Swansea Enterprise Park, Swansea, SA6 8PP**

**Proposal:**                                **Demolition of existing buildings and erection of Builders Merchant (Unique Use) and associated works**

**Applicant:**                                **Mr W Moss TP Property Company Limited**



### Background

This application is reported to Committee for decision given it is a departure from the Swansea Local Development Plan and the floorspace to be created is over 2000 square metres

### Site Location

The application site is located within the Swansea Enterprise Park and is located on the south western part of the Morganite site and is clearly visible from the road frontage on Upper Fforest Way. This area is currently covered in single storey buildings constructed in the 1970's with later extensions and various hardstanding areas with a small area of landscaping.

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### Relevant Planning History

2017/2573/PRE - pre-app for partial demolition, conversion and redevelopment to provide car sales dealership and associated works - mixed advice given - December 2017

2018/1130/FUL - demolition of existing structure and redevelopment to provide a car sales dealership and associated works - approved December 2018

2022/0890/PRE - pre-app for demolition of existing building and construction of a builders merchants and associated works - positive advice given - May 2022.

### Description of Development

This application seeks full planning permission for the demolition of the existing building and the erection of a builders merchant (Unique Use) and associated works at Upper Fforest Way, Swansea Enterprise Park.

The proposed building comprises of a rectangular footprint measuring approximately 75m wide and approximately 25m deep, it will also have an attached covered canopy area measuring approximately 15m wide and 25m deep. It will comprise of a pitched roof measuring approximately 7m to the eaves and 8.8m to the ridge. The ground floor will comprise of warehousing, Benchmarx kitchen display/selection centre, tool hire workshop and trade counter/display area. There will be a storage area to the first floor/mezzanine with an office, canteen, locker room and WCs for staff use. The mezzanine will not comprise the full width of the unit as the warehousing area will require the full height of the unit.

The building will be clad in profiled metal sheeting, finished in green and yellow to match Travis Perkins brand colours. The site boundaries will comprise of 2.4m paladin fence and entrance gates.

There will be 9 customer car parking spaces (including one disabled space) and 21 staff car parking spaces, 4 of which will comprise EV charging points.

### Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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

**Good Design Making Better Places**

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

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

**Access and Inclusivity**

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

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

**Environmental Sustainability**

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

### Item 3 (Cont'd)

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

#### Character

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

#### Community Safety

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

#### Movement

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

#### Car Parking

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

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

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Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

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

### Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

### Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.<sup>140</sup> In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.



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6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

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

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

PS 4 Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 13,600 additional jobs over the Plan period, result in a requirement for 19ha of employment land, provided for through the sustainable employment strategy, including areas of employment use incorporated within allocated mixed use Strategic Development Areas (SD's G, H, I, J, K).

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

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

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

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

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

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

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

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

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

RC 10 Employment and Enterprise Development - Land which is in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses. Proposals outside of these areas will need to demonstrate why the proposal cannot reasonably be located within an existing employment area, or designated Strategic Development Areas having regard to the nature and scale of the scheme.

RC 11 Alternative Uses at Employment Locations - Development of established industrial and commercial land and premises for non-business uses falling outside of Use Classes B1, B2 and B8, and ancillary facilities will only be permitted where they comply with the Policy principles.

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

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

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

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

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

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

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.

RP 10 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.

EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria

EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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

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

### Responses to Consultations

#### 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: PPA0006642) has been acknowledged (within / and included at Appendix E of the accompanying Pre-Application Consultation (PAC) Report, prepared by Have Your Say.

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Our response highlights that domestic foul water flows can be accommodated within the public sewerage system, whereas surface water flows are subject to Schedule 3 of the Flood and Water Management Act 2010, and therefore requires SAB consent. Nonetheless, with respect to the accompanying 'Drainage Strategy' (Ref: R-DS-24389-01-0) and layout, included at Appendix H, we acknowledge proposals to dispose surface water flows into a private system and in principle offer no objection subject to applicants' consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.

Accordingly, if you are minded to grant planning consent for the above development, we would request that the following 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:

### 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.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

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.

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In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.

We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

### The Coal Authority

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings associated with a thick coal seam outcrop.

The Coal Authority notes the Coal Mining Risk Assessment prepared by JPP Geotechnical & Environment Ltd (dated May 2022), which accompanies the planning application and which confirms an assessment of up-to-date geological and mining information and the results of an intrusive site investigation. The report confirms that due to the depth of the superficial deposits, shallow mining beneath the site is very unlikely.

On account of the above, the Coal Authority has no objection to this planning application.

### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

### SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

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Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

### **Natural Resources Wales (NRW)**

We have no objection to the application but offer the following advice:

#### **Flood Risk**

The planning application proposes less vulnerable development, a builders merchant. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers.

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

We have reviewed the Flood Consequence Assessment, produced by JPP Consulting Ltd., Ref R-FRA-24389-01-B, Revision B: December 2022.

The FCA uses the DAM maps and FRAW maps to inform the FCA. FRAW maps are not suitable datasets to inform an FCA.

The FCA fails to provide clear assessment/evidence of compliance with TAN15 Appendix 1, in particular:

- The FCA fails to demonstrate the proposed development provides a safe and secure living and/or working environment throughout the lifetime of development. There is limited assessment of the development, and under a range of extreme events from the threshold to that flood having a probability of occurrence of 0.1%.
- Flood defences can fail/breach. This has not been considered within the FCA.

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- While assessing the dangers from flooding particular attention should be paid to the impact of the development on flood risk elsewhere on the floodplain. This has not been assessed.
- low vulnerable development should be flood free during a 1% Annual Event Probability flood event.
- The FCA does not demonstrate compliance with the tolerable conditions table in section A1.15.

The FCA appears to rely heavily on the fact the development is in a TAN15 defended zone, and therefore at low/no risk of flooding. Despite the FCA not assessing the flood risk correctly, the overall footprint of the building is not significantly different from the existing building. In this instance we do not consider the current flood risk to the site to be altered by the development.

The proposed mitigation is to set the finished floor levels of the new building at 10.25m AOD (same as existing building). In addition, it is proposed that the owner/occupier sign up the NRW Flood Warning Scheme and a Flood Management Plan has been produced.

In light of the above we defer to you authority to determine if further assessment of flood risk to the site is required, and/or the proposed mitigation measures are suitable and managed to a level which is acceptable for the nature/type of development being proposed.

#### Protected Species - Bats

We note that the bat report submitted in support of the above application (Bat Activity Survey, prepared by Solstys Brewster, Reference E22108901/Doc 02. Dated 8 December 2022) has identified that bats are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

On the basis of the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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Therefore, we do not object to the proposal but in line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

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

<https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

### Ground Contamination

We acknowledge the Phase 2 Ground investigation report prepared by JJP dated May 2021, and the Drainage strategy prepared by JPP, December 2022(Which confirms no infiltration).

The ground investigation report does not fully consider groundwater, for example groundwater monitoring boreholes were installed but do not appear to have been sampled for quality purposes and borehole logs including installation details not included within the report. However, in this instance given our previous assessment of the site at the pre-application stage, we have no further comment to make and refer to our previous response below.

We consider that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

However, we do have reason to strongly suspect that contamination is present. In line with the advice given in Planning Policy Wales we understand that the Local Planning Authority must decide whether to obtain information on the matter prior to determining an application or as a condition of the permission.

We recommend that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. seek advice from the Local Authority on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on [www.gov.uk](http://www.gov.uk)



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The area was not utilised for the manufacturing process and was surrendered from the permit as a partial surrender in Permit EPR/VP3339PD/S007 on the 18th July 2016.

### 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.

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.

### Pollution Control

#### Conditions

##### Unforeseen Contamination

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.

#### Informatives

##### 1 Construction Noise

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

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

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.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

##### 2 Smoke/ Burning of materials

No burning of any materials 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.

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#### 3 Dust Control

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

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

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

#### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

#### Local Authority Tree Officer

The application requires the removal of one category B tree. This should be mitigated in line with the Swansea tree replacement standard.

In order to do this please condition a landscape scheme to include the mitigation tree planting.

#### Local Drainage Authority

We have reviewed the submitted information and comment as follows.

We have previously provided comments on this drainage strategy under SAB Reference 2022/0048/SPA. Since those comments were made in September 2022 further consideration on how to apply the SuDS Standards in full has come forward.

In regards to discharge rates all run-off from the site should be designed in strict accordance with Standard 2 in full, G2.24 states betterment of at least 30% should be considered as a minimum requirement (this will need to be established and agreed with the drainage approving body) and strong consideration should still be given to controlling volumes of runoff to greenfield equivalents.

Any SuDS Application will need to demonstrate how it meets S2 (1) - Surface water should be managed to prevent, so far as possible, any discharge from the site for the majority of rainfall events of less than 5mm. Table G2.1 of the SuDS Standards indicates a list of interception mechanisms that assume compliance, however the swale being provided is so small that S2 (1) is unlikely to be met.

Furthermore G2.8 states that Attenuation storage is likely to be required to limit discharge of runoff from the site. There should be a presumption for the use of surface storage features in preference to underground systems as they tend to be more adaptable and can also provide partial treatment and other benefits. Permeable pavements can be regarded as surface storage in this context.

We highlight that based on the information submitted in this strategy this design does not meet the requirements of Standard 2.

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We note that attenuation is provided in geocellular crates Standard 3 states that Treatment for surface water runoff should be provided to prevent negative impacts on the receiving water quality and/or protect downstream drainage systems, including sewers. Further guidance under G3.4, G3.9 and G3.12 illustrates along with other guidance how to meet Standard 3 and Standard 2, as part of that assessment the use of extensive geocellular crates clearly do not meet water quality standard requirements under the WG SuDS Standards.

Moving on Standard 5 clearly states that the design of the surface water management system should maximise biodiversity benefits. The landscaping plans that relate directly to the SuDS scheme only provide a swale, however delivery of that feature will in all probability will not be possible due to proximity to the adopted highway and will not meet the requirements of S2 and S3.

We consider that the applicant needs to revisit the WG SuDS Standards and that the drainage design needs substantial revision to meet the requirements of those standards.

Accordingly we object in detail to the application.

In relation to flood risk we note the inclusion of a Flood Evacuation Plan Emergency Planning need to be consulted with respect to the efficacy of any flood evacuation plan as a flood mitigation measure, we are aware that NRW will not comment on those.

In regards to the FCA the Authority considers it inadequate it has not considered breach and overtopping, rate of inundation, velocity. Furthermore the data appears to be out of date having from either April or September 2022, this needs revisiting and checking to see it's still current. We note that NRW provided some comments in April 2022 as part of a pre-application consultation regarding missing information and inadequate assessment of flood risk. Those comments remain relevant as the FCA does not demonstrate adequately how the development meets A1.5, A1.12, A1.15 and A1.15 of TAN15. We defer to NRW for a more complete assessment of flood risk from the R.Tawe as they have a more complete dataset of how the river behaves and the flood defence.

In the absence of an acceptable FCA the Authority must object in detail to the application on flood risk grounds.

### **Local Authority Ecologist**

#### **OUTCOME OF ECOLOGICAL INVESTIGATION**

Relevant documents reviewed:

- Building Inspection Report (Protected Species), Soltys Brewster, April 2022;
- Bat Activity Survey - Addendum Report, Soltys Brewster, December 2022; and
- Green Infrastructure Statement, Soltys Brewster, December 2022.

Bats:

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species

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Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

Condition:

No works shall commence on site (including site clearance) until a European Protected Species Licence for bats has been obtained from Natural Resources Wales (NRW).

The licence method statement shall include the recommendations from Section 4.6 of the submitted bat survey report and a copy of the granted licence from NRW shall be submitted to the LPA.

Breeding/nesting birds:

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

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

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

Condition:

No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Hedgehog:

Please include the following informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

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Condition:

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Condition:

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

Construction Environmental Management Plan (CEMP)

Condition:

A CEMP for the site shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

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

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

Condition:

The specification and location of the 3no. bat boxes proposed shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be retained as such in perpetuity.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

### Placemaking and Strategic Planning

Overview

This full application relates to Pendragon Property Holdings on Upper Fforest Way in Swansea Enterprise Park, Swansea, SA6 8PP, and proposes the demolition of existing buildings and erection of a builders Merchant (Unique Use) and associated works. The supporting information indicates that the proposed development will be to serve Travis Perkins Builders Merchants who have identified a requirement for a new store in Swansea. The proposed site extends to 1.27 ha and comprises the former offices of the Morganite works.

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The proposal involves the demolition of the existing employment buildings (circa 3192sqm) and the erection of a new builders merchants sui generis (circa 2432 sqm).

The proposed scheme was subject of a previous pre application (2022/0890/PRE) to which Strategic Planning comments were provided.

### Principle of Development

The principle issues are the acceptability of the proposed development in respect of the loss of employment land and its location within a Flood Risk Area.

### Loss of Employment Land

The site is unallocated in the adopted Swansea LDP and forms part of the established urban area within settlement limits. It is located within Swansea Enterprise Park.

The LDP seeks to safeguard land and premises in active viable employment use that collectively forms the employment land bank. This includes safeguarding existing employment estates and business parks, for future employment uses, which will allow for churn and provide choice.

Policy RC 10 sets out that land which is in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses.

Policy RC 11 sets out that development of established industrial and commercial land and premises for non-business uses falling outside of Use Classes B1, B2 and B8 will only be permitted where it can be demonstrated that:

- i. The existing use is no longer viable or appropriate at the proposed location;
- ii. There is no need to retain the land or premises for its current use, having regard to existing and likely future market demand and the requirement to provide for a range and choice of employment sites;
- iii. The proposed new development will have no unacceptable impact on neighbouring existing occupiers or allocated uses; and
- iv. There are no sequentially preferable sites available with reference to other policies in this Plan.

Of relevance to the proposal, following marketing the site was granted planning consent (2018/1130/FUL) in December 2018 for the demolition of the existing buildings and re use of the site for car sales. The principle of the loss of offices at this site was therefore established as part of a previous consent, however that permission has not been implemented. Nevertheless, this was granted under a previous development plan and should be re assessed against RC10 and RC11.

Turning to Policy RC11 I would offer the following comments in relation to the above criteria:

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The supporting information submitted indicates that the site has been vacant since 2015 following the ceasing of the former employment operation at the site. Following a decision in 2019 not to progress the above permission (2018/1130/FUL) the site was placed back on the market in September 2019 by Fletcher Morgan. Details of marketing particulars have been submitted indicating the site with planning permission for a car showroom but with the potential for alternative uses (subject to planning). A letter from Fletcher Morgan dated 22 March 2022 has also been submitted which sets out:

"In 2018 after extensive marketing of the site, Pendragon secured Planning consent for the demolition of the existing office buildings and the redevelopment of the site for car sales. This permission remains valid until December 2023 and establishes the use of the site for non B Class.

In September 2019 Fletcher Morgan marketed the site on its own website but also on national platform Realla. The marketing reflected both the existing building use and the consented use for car sales. We attach the sales particulars.

In the three and a half years that have elapsed we have only received 2 expressions of interest for the existing office use but given the date and condition of the existing offices, it is unsurprising that these have all related to the potential for alternative use of this site. Due to the market, car sales requirements have reduced and therefore we have received little interest from occupiers wishing to take advantage of its consent.

Against this background the landowner has engaged with Travis Perkins as an occupier whose use is one typically accepted as being suitable for industrial estate locations"

Para 2.8.53 of Policy RC11 indicates that in respect of marketing the type of evidence required will vary depending on the use and circumstances, but may include details of why the land/premises is no longer in use; evidence to show that reasonable efforts have been made to market it for at least 12 months for sale or lease for its existing use and information to show that the advertised rental and lease terms have been reasonable considering local market conditions and property condition.

Therefore in line with criterion i and ii of Policy RC11 there is evidence that a marketing exercise has been undertaken over a suitable period by Fletcher Morgan for the site and the information indicates that given the lack of interest from alternative B1/B2/B8 occupiers it may be reasonable to conclude that there is no need to retain the land for its current use. Para 2.8.52 recognises that 'in some exceptional circumstances there will be a need for flexibility to be applied in considering proposals for a change of use away from employment uses, in the interests of ensuring the best use of redundant land and premises. For example, some sites may no longer be fit for their existing use and have little prospect of being re-occupied, or there may be an oversupply in the market.

The proposal will provide a re use of current vacant land bringing it back into beneficial use and will support the creation of 30 new jobs. It will also support the local building industry in terms of providing a new supply chain through the proposed Travis Perkins Builders Merchants.

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The proposed Sui generis use will be a builders merchant outlet including ancillary concessions for its Benchmarx Kitchens and joinery and its tool hire subsidiary. Such uses are commonly found on industrial estates and the proposed use is considered compatible with adjoining uses. Given the nature of the use and type of unit required it is not considered there would be more sequentially preferable locations within the centres of the retail hierarchy available in line with Policy RC2.

Subject to the Case Officers assessment of the adequacy of the marketing exercise undertaken, then there is potential justification to conclude the proposal would be acceptable in line with Policy RC11.

#### Flood Risk

The site is located within a C1 defended Floodplain as defined by TAN15. The more recent Flood Map for Planning accompanying the emerging revised TAN15 identifies the area as falling within Flood Zone 3 Defended Zone. The floodmap for planning has no official status until it is formally implemented through planning policy in June 2023. However, it represents a material consideration as it is the best available information on flood risk and should be used in planning decisions by NRW and Local Planning Authorities (LPAs). The WG are currently consulting on an updated amended version of the TAN which is due to close in April 2023 prior to the publication of the final TAN. A Flood Consequence Assessment has been submitted with the application in order to provide evidence that the risk of flooding is acceptable. NRW and the Council's drainage team should be consulted as to the technical merits of the FCA. The proposal will be assessed in line with Policy RP1 and RP5.

Section 3.3.4.1 of the FCA assesses the proposal against the 4 justification tests as required by the TAN. In respect of criterion i and ii) whilst this scheme is not part of a local authority regeneration initiative, in general terms the proposal will bring a vacant site back into use and will contribute to the regeneration of Swansea Enterprise Park and would deliver employment benefits in terms of the creation of approximately 30 jobs. In relation to criterion iii) the site would involve the reuse of existing brownfield land. In relation to criterion iv) an FCA has been submitted which determines that the site is at low risk of flooding from both rivers and surface water and therefore is acceptable. NRW will comment on the adequacy of this assessment.

#### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate: Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places



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- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource

To ensure that the maintenance, enhancement and connectivity of the County's GI multifunctional network applications should be accompanied by a Green Infrastructure Strategy for the site. This should consider how GI connectivity can be maintained through the site as part of a landscaping scheme which should also consider the integration of blue infrastructure from the required SUDS scheme (RP 4). In line with the Placemaking Guidance for Residential Development (the principles of which are relevant for other forms of development) Green Infrastructure should be central to all new places and should be guided by the following principles: Multi Functional, Biodiverse, Adapted for Climate Change, Healthy and Smart and Sustainable. By following these principles GI interventions maximise the number and intensity of benefits for both people and wildlife. This provides a framework to guide the appraisal of GI aspects. An example GI Strategy Framework is set out on p49 of this document. The extent of detail required should be proportionate to the application. However, an example GI Framework should comprise:

- A GI Constraints and Opportunities Plan - The map should demonstrate an understanding of the GI characteristics of the site and wider connectivity, ecosystem services currently provided, how these may be enhanced and opportunities to connect to GI outside the site boundary.
- A GI Proposals Plan/Statement - To communicate how the site design responds to the opportunities and constraints, how it will maintain existing features and create new features against the 5 principles of GI and how the proposals will create connectivity through Green corridors and integration of buildings and spaces within the site and the wider ecological connectivity context
- Written Statement - To communicate functions of GI proposed, relationship of technical reports (DAS, Ecological survey, landscape, drainage, SUDS, arboricultural reports) on the GI proposed

The applicant has prepared a GI Statement and Strategic GI Plan in order to demonstrate the opportunities to maintain and enhance the extent, quality and connectivity of the County's GI network in line with Policy ER2. This should set out how the guiding principles (set out above) have informed the GI approach for the site. The mitigation and enhancement measures include 3 new trees, 280 square metres of meadow drainage swale, bat boxes and management of existing tree group. Corridor vegetation connecting with the local area is retained allowing use by native species and the SUDS swale with diverse meadow grass seed mix will contribute to biodiversity. Opportunities to enhance the southern vegetation corridor should be explored which leads to a network of GI which leads to the Tawe corridor and Riverside SINC. Similarly, consideration of how the GI approach considers this SINC in terms of promoting ecological connectivity. The GI enhancement measures are focussed around the perimeter of the site, is there an opportunity to integrate GI measures within/adjacent to the car parking areas or for example on the roof of the building and within the compound areas in the site yard?

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**Biodiversity Enhancement**

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

In line with Policy ER 9, development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The Biodiversity enhancement strategy for the development should follow the Stepwise process as set out in the Biodiversity and Development SPG. Extracts from the Council's Biodiversity and Development SPG are provided in Annex B of this response. These relate to how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience. Whilst a Preliminary Ecology Appraisal Building Inspection Report has been undertaken this makes no reference to the above SPG and therefore it is not clear the Stepwise process has been followed and therefore that the identified ecological enhancement measures are satisfactory. This should be demonstrated to ensure the biodiversity enhancement opportunities are maximised. The Council provides advice on potential biodiversity enhancement opportunities to be considered in schemes on its website, which can be referred

[\(<https://www.swansea.gov.uk/article/17541/Guidance-note-biodiversity-enhancements>\)](https://www.swansea.gov.uk/article/17541/Guidance-note-biodiversity-enhancements).

The Council's Ecologist will comment on the ecological enhancement measures proposed.

**Other Key Issues**

**Renewable and Low Carbon Energy - Renewable and Low Carbon Energy -** In line with Policy EU2 non-residential development with a total floorspace of 1000sqm or more will be required to submit a comprehensive energy assessment to determine the feasibility of incorporating low carbon or renewable energy installations.

An Energy Assessment has been submitted in line with the Policy which sets out that the new Travis Perkins stores are typically very low energy users for the type of building. The main warehouse is not heated and thermal construction will exceed Building Regs Part L requirements. Heating to the building is limited to efficient electric panel heaters in the circulation areas and air source heat pumps to staff and retail areas with cooling limited to the staff and retail areas. The company policy is to include photovoltaic systems on all new builds which will be included with a target of 55,000Kwh per year from the PV system which is supported. This is based on an optimal solution to match the buildings annual demand and thus avoid any energy storage or export. The design principles adopted will result in a 35% reduction in operational energy. Electric vehicle charging points will be included. The PV system should therefore be secured by condition.

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Highways - Comments from Transportation and Highways officers will need to be sought. Ultimately, the scheme would need to satisfy the requirements set out in Policies T1, T2, T5 and T6 of the LDP.

Future Wales Policy 12 states that where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points. The car park provision is for 21 staff spaces and 9 customer spaces. The submitted document indicates that 4 EV charging points will be provided for staff use as given the nature of the business customers tend to visit for only very short periods. This is not considered unreasonable given the nature of the proposed use. Notwithstanding it may be prudent to locate one of the EV spaces within the customer parking area should demand for it arise.

Trees - An Arboricultural Assessment Report has been submitted which indicates that four trees are required to be removed to facilitate the construction of the proposed development. One of these trees is a Category B Tree (Tree T693 - Alder - Moderate Quality (B Category)). The developer will need to replace the tree in line with the adopted Tree Replacement Standard (see Annex B) in the Adopted Trees, Hedgerows and Woodland SPG. The AA concludes however that with mitigation no adverse impact will result to any of the retained trees. The tree protection details will need to be secured by condition. The above will need to be secured to ensure compliance with Policy ER11 and the SPG and the Councils Tree Officer can advise further.

Sustainable Drainage - The proposal incorporates a Swale to the front of the site. The separate SAB approval process will consider the adequacy of this as a mechanism to deal with surface water drainage. The SUDS scheme should be considered in line with the GI strategy for the site to ensure the integration of blue/green infrastructure and to maximise GI benefits.

Contamination - The western part of the site is identified as historic contaminated land (Upper Fforest). A phase II ground investigation report has been produced. The Councils Environment Health team should be consulted. The proposal will be assessed in line with Policies RP1 and RP6.

### Final Comments

The proposal would result in the loss of an existing B1 office building which submitted evidence indicates has been vacant since 2015. A change of use application on the site from B1 to car sales was approved in December 2018 and remains extant. The submitted information indicates a marketing exercise has been undertaken by Fletcher Morgan which provides evidence that there is no need to retain the land for B1 use. Given the nature of the use and type of unit required it is not considered there would be more sequentially preferable locations within the centres of the retail hierarchy available in line with Policy RC2. Overall, subject to the Case Officers assessment to the marketing exercise undertaken concluding the same, it would be reasonable to contend the proposed use would not conflict with the provisions of Policy RC11.

The site is in a C1 flood risk area and in line with requirements the applicants submitted a Flood Consequence Assessment to support the proposal as part of this test. To determine the acceptability of the proposal in line with Policies RP1, RP4 and RP5 consultation with NRW and the Council's drainage engineers on the acceptability of the submitted FCA will be necessary in respect of the existing TAN and also the new Flood map for planning.

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The Council's drainage engineers can provide specific guidance on FCA and local drainage strategy requirements including the adequacy of the proposed mechanism to deal with surface water drainage. Compensatory provision for loss of the existing Category B tree on site would need to be secured.

The applicant has prepared a GI Statement and Strategic GI Plan in order to demonstrate the opportunities to maintain and enhance the extent, quality and connectivity of the Countys GI network in line with Policy ER2. This should set out how the guiding principles (Multi Functional, Biodiverse, Adapted for Climate Change, Healthy and Smart and Sustainable) have informed the

GI approach for the site. The GI enhancement measures are focussed around the perimeter of the site, is there an opportunity to integrate GI measures within/adjacent to the car parking areas or for example on the roof of the building and within the compound areas in the site yard. In line with Policy ER 9 development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

Whilst a Preliminary Ecology Appraisal Building Inspection Report has been undertaken this makes no reference to the above SPG and therefore it is not clear the Stepwise process has been followed and therefore that the identified ecological enhancement measures are satisfactory. This should be demonstrated to ensure the biodiversity enhancement opportunities are maximised.

### Local Highway Authority

The scheme was subject to a PAC in April 2022 at the Former Morganite Electrical Carbon Works, Swansea Enterprise Park, Upper Fforest Way, Swansea, SA6 8P for "Demolition of existing buildings and erection of sui generis Builders' Merchant and associated works", and detailed comments were provided by the Highway Authority as a statutory consultee.

Comments were as follows:

Former Morganite Electrical Carbon Works, Swansea Enterprise Zone, Upper Fforest Way, Swansea, SA6 8PP. PAC for the Demolition of existing buildings and erection of sui generis Builders Merchant and associated works.

A Transport Statement was prepared by JPP consulting Ltd. on behalf of the applicant Travis Perkins and submitted as part of the PAC. Whilst the site is currently occupied by a vacant office unit the Transport Statement quantified the level of movements comparing an extant planning permission for car sales use (2018/1160/FUL) to the proposed use as a builders merchant (of floor space 2,582 square metres. The document concluded that there would be less trips during the morning and afternoon peak hours and also less trips in total spread through the day. The site is already located on an industrial estate so it is considered that the proposed use will be in keeping with other industrial/commercial uses. Whilst I do not agree that this is likely to be the case I am of the opinion that there is unlikely to be a significant increase in vehicular movements over and above those expected from the potential car sales unit. Swept path analysis has been provided to demonstrate that an articulated vehicle can access, and egress the site in a forward gear using two separate access points. One of the access points is existing (north) but it is not clear if the second point (west) is new or current. The highway is unadopted and the land is not in Council Ownership, as such any new access would have to be agreed with the landowner.

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Access to the site is achieved using an existing vehicular access and the access road forms a priority junction with Upper Fforest Way. Access into the site is gained by using a dedicated right turn lane. The TS makes reference to Crashmap showing that there are no reported accidents in or around the junction within the last three years. This is backed up by the CCS own accident records. There are no issues therefore with the continued use of the junction. A Road Safety Audit is not required in this instance as the access is existing. In terms of car parking the site plan indicates that eight customer car parking spaces are to be provided (including one for disabled users. It is unclear as to how this figure has been arrived at. The car parking standards for builders merchants (trade and retail) advise one space per 80 square metres plus 10% of the G.F.A which would result in a more parking than indicated, no justification has been provided for the shortfall. Staff parking for 20 staff has been indicated but it appears that spaces 14 to 21 are inaccessible. The customer disabled space is also not laid out in accordance with the British Standard. There is no cycle storage included for customer use and this should be addressed. In principle the site appears suitable for the proposed use subject to the above comments being addressed

In terms of the current submission the proposed site plan indicates localised widening to the existing vehicle access plus the introduction of a new vehicle access point to the west of the site. The red line covers the access road and shows it linking to Upper Fforest Way. The shared access onto Upper Fforest Way is unaffected by the proposed works. The car parking provision is 21 for staff (4 EV Charge points but no disabled provision). and 9 for customers (including one suitable for blue badge holders but no EV charge points). The blue badge space is not correctly drawn (it should be hatched on three sides) plus the spaces overall are not wide enough (standard space size is 2.6m width by 4.8m length). The staff parking area needs at least one blue badge parking space and the customer parking area needs at least one EV charge point space. This amended layout can be secured by condition.

Whilst the level of customer parking is below that we would normally require it is based upon other similar stores and found to be a suitable level of provision, furthermore for larger items customers can park within the stock yard and bypass the need to enter into the store. The tandem layout of the staff parking is not considered to be an issue given that it will be managed and located in an area not accessible to the public. There are also areas within the site where additional short car parking could take place if required.

Cycle storage is shown as being proposed within the staff parking area which will encourage sustainable travel given the proximity to the National Cycle Network. Cycle parking also needs to be provided for the customer section as previously advised.

A Transport Statement (TS) has been submitted in support of the application. The site benefits from an extant planning permission for a change of use to a car showroom (under 2018/1130/ful). The TS states that less trips will be generated with regard to the builders merchants than to the car sales. As the car sales use has not been implemented I am not necessarily in agreement with this method of assessment however the previous 'Morganite' use would have been likely to generate trips in excess of that generated by the car showroom land/or the builders merchant (which operates as a trade only). On that basis I do not consider that highway safety will be impacted by the proposal and that the site will generate significantly more trips that would have any impact of traffic flows in the area.

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An analysis of accidents in the document (using crashmaps) has revealed no incidents of reported accidents for the three year period 2018-2020. My own records however identify a number of accidents within the same time period but there is no indication that the highways design was at fault nor that there would be any impact on the safety of efficiency of the network as a result of the development.

Swept paths have been submitted as part of the TS (appendix B) that demonstrate that a 16.5m HGV can access the site and then follow the internal through road to avoid having to turn within the site, egressing through a new vehicle access which leads to the priority junction access of the site onto Upper Fforest Way.

The site provides Blue badge car parking, EV Charge points and cycle storage, the site is accessible to regular bus services on Clase road and is in close proximity to the National Cycle Route 43 which runs along the River Tawe to the west of the site. The site is therefore considered to be in a sustainable location although it is likely that principal mode of travel will be by car given the proposed use.

#### Recommendation

On the basis of the current plans and the previous approval of planning permission at the site then the Highway Authority has no objections to the proposals. This is subject to the inclusion of appropriate planning conditions, these would be:

1. The site being laid out in accordance with details to be submitted for approval to the LPA providing car parking spaces at 2.6m x 4.8m , including disabled provision (laid out to the British Standard ) for both staff and customer parking spaces (6% of the total spaces), and EV charge spaces (at a minimum of 10% provision). The site shall be laid out prior to beneficial use commencing and be maintained as such for parking purposes only thereafter.
2. Cycle parking for customers being provided in accordance with details being submitted for approval to the LPA to promote sustainable travel and in line with the aims of the Active Travel Act.
3. 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:
  - 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 hoarding including decorative displays and facilities for public viewing where appropriate.
  - e. Wheel washing facilities.
  - f. Measures to control the emission of dust and dirt during demolition and construction and
  - g. 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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4. The buildings shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority. In the interests of highway safety and general amenity

### Public Consultation

The application was advertised via site notice within the vicinity of the application site and advertised via press notice.

No representations have been received to date.

### APPRAISAL

#### Main Issues

Having due regard to the provisions of the Swansea Local Development Plan (2010-2025), the main issues for consideration in this application relate the principle of development in this location, visual appearance, any impact upon residential amenity, ecology, drainage, land stability, land contamination, flooding and highway issues.

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

#### Principle of Development

LDP Policy PS4 sets out the Council's strategy for employment areas which includes retaining land for employment that is in active viable employment use and forms part of the employment land bank, including existing employment estates and business parks. This is supported by Policy RC10 which states that land in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses.

Policy RC11 states that:

Development of established industrial and commercial land and premises for non-business uses falling outside of Use Classes B1, B2 and B8 will only be permitted where it can be demonstrated that:

- i. The existing use is no longer viable or appropriate at the proposed location;
- ii. There is no need to retain the land or premises for its current use, having regard to existing and likely future market demand and the requirement to provide for a range and choice of employment sites;
- iii. The proposed new development will have no unacceptable impact on neighbouring existing occupiers or allocated uses; and
- iv. There are no sequentially preferable sites available with reference to other policies in this Plan.

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The supporting information submitted indicates that the site has been vacant since 2015 following the ceasing of the former employment operation at the site. Following a decision in 2019 not to progress the previous permission for a car sales showroom (2018/1130/FUL) the site was placed back on the market in September 2019 by Fletcher Morgan. Details of marketing particulars have been submitted indicating the site with planning permission for a car showroom but with the potential for alternative uses (subject to planning). A letter from Fletcher Morgan dated 22 March 2022 has also been submitted which sets out:

"In 2018 after extensive marketing of the site, Pendragon secured Planning consent for the demolition of the existing office buildings and the redevelopment of the site for car sales. This permission remains valid until December 2023 and establishes the use of the site for non B Class.

In September 2019 Fletcher Morgan marketed the site on its own website but also on national platform Realla. The marketing reflected both the existing building use and the consented use for car sales. We attach the sales particulars.

In the three and a half years that have elapsed we have only received 2 expressions of interest for the existing office use but given the date and condition of the existing offices, it is unsurprising that these have all related to the potential for alternative use of this site. Due to the market, car sales requirements have reduced and therefore we have received little interest from occupiers wishing to take advantage of its consent.

Against this background the landowner has engaged with Travis Perkins as an occupier whose use is one typically accepted as being suitable for industrial estate locations"

Para 2.8.53 of Policy RC11 states that in respect of marketing the "type of evidence required will vary depending on the use and circumstances, but may include details of why the land/premises is no longer in use; evidence to show that reasonable efforts have been made to market it for at least 12 months for sale or lease for its existing use and information to show that the advertised rental and lease terms have been reasonable considering local market conditions and property condition".

Therefore in line with criterion i and ii of Policy RC11 there is evidence that a marketing exercise has been undertaken over a suitable period by Fletcher Morgan for the site and the information indicates that given the lack of interest from alternative B1/B2/B8 occupiers it may be reasonable to conclude that there is no need to retain the land for its current use. Para 2.8.52 recognises that 'in some exceptional circumstances there will be a need for flexibility to be applied in considering proposals for a change of use away from employment uses, in the interests of ensuring the best use of redundant land and premises. For example, some sites may no longer be fit for their existing use and have little prospect of being re-occupied, or there may be an oversupply in the market".

The proposal will provide a re-use of current vacant land bringing it back into beneficial use and will support the creation of 30 new jobs. It will also support the local building industry in terms of providing a new supply chain through the proposed Travis Perkins Builders Merchants.

TAN 23: Economic Development supports the above assessment. Section 1.1.2 of TAN 23 states:



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- Economic development is development (new or change of use) where the resulting space will be occupied by economic activities;
- An economic activity, or economic land use, is an activity which directly generates wealth (output), jobs and income;
- Generating jobs includes providing or sustaining existing jobs as well as creating new jobs.

TAN 23 also goes on to state that "Economic growth is worthwhile wherever it is located, and in the interests of

economic growth the planning system should generally aim to provide land where there is demand for it. It is therefore considered that having regard to TAN 23 the economic benefits of the scheme will be beneficial to the area.

With regards to retailing, Policy RC2 states:

Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, having regard to the nature, scale and location of the proposed development:

- i. Swansea Central Area Retail Centre
- ii. District Centres
- iii. Local Centres

The proposed use will be a builders merchant (Travis Perkins) including ancillary concessions for its Benchmarx Kitchens and joinery and its tool hire subsidiary. Travis Perkins and other such builders merchants are primarily recognised as wholesalers rather than retailers. The larger goods that are sold are generally displayed within the yard or warehouse with smaller goods displayed and sold within the unit itself.

The proposed uses are commonly found on industrial estates and the proposed use is also considered compatible with adjoining uses. Given the nature of the use and type of unit required it is not considered there would be more sequentially preferable locations within the centres of the retail hierarchy available in line with Policy RC2. It is also not considered that the proposals would constitute retail or leisure development which would fall within the confines Policy RC2. Further to this, the application is considered to fall within the parameters of a 'unique use', thereby not falling within any one specific use class. Whilst it is recognised that there may be an element of 'retailing', the proposals do not fall within this category. Therefore the retailing policies of the LDP as described above are not considered relevant in this particular instance. If a retailer were in future to apply for a retail use in this location the LPA would apply the appropriate retailing policies and it is not considered that this development would undermine the application of these policies.

Therefore having regard to the above and the supporting information submitted with the application, it is considered that the principle of this type of development in this location is acceptable.

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### **Visual Amenity**

There is a clear commercial/industrial context to the site which is derived from its proximity to relatively large scale industrial buildings. There are a variety of trade units and offices to the north within the Ashmount business park and to the west within Acorn Court. Immediately to the south of the site is a pub and hotel.

The application site currently comprises of single storey office block buildings which have been vacant for some time and are in a state of disrepair. The proposals will involve the demolition of these buildings and the erection of a rectangular warehouse building. The proposed building comprises of a rectangular footprint measuring approximately 75m wide and approximately 25m deep, it will also have an attached covered canopy area measuring approximately 15m wide and 25m deep. It will comprise of a pitched roof measuring approximately 7m to the eaves and 8.8m to the ridge. The ground floor will comprise of warehousing, Benchmarx kitchen display/selection centre, tool hire workshop and trade counter/display area. There will be a storage area to the first floor/mezzanine with an office, canteen, locker room and WCs for staff use. The mezzanine will comprise of less than half the full width of the unit.

The building will be clad in profiled metal sheeting, finished in green and yellow to match Travis Perkins brand colours. The site boundaries will comprise of 2.4m paladin fence and entrance gates. These specific details are listed on the proposed elevations and proposed site plan.

There will be 9 customer car parking spaces (including one disabled space) and 21 staff car parking spaces, 4 of which will comprise EV charging points.

Given the location of the site within a primarily industrial area, it is not considered that the proposals would be out of character with the wider surrounding street scene and are considered acceptable in this instance.

### **Residential and General Amenity**

Given the location of the development within a primarily industrial area, it is not considered that the proposal would give rise to any residential amenity concerns. The proposed opening hours, Monday to Saturday 06.00 to 19.00 and Sunday and Bank Holidays 08.00 to 14.00, are considered appropriate and it is considered necessary to impose a condition with regards to opening hours.

A Environmental Noise Assessment has been submitted in support of the application given the proximity of the Premier Inn Hotel to the south of the site. It is also noted that there is a restaurant/pub to the south of the site which is located between the hotel and application site and therefore separates the hotel from the application site. It is considered that this intervening restaurant/pub provides some level of mitigation from the hotel to the application site. The Noise Assessment states that the main impacts from trading activity will be noise from the movement of goods within the yard and car parking. The site is within a primarily industrial/commercial area, therefore industrial noise is commonplace in this location. The submitted noise assessment considers that the noise levels will suitably low and subject to the imposition of a condition in relation to trading and delivery hours, there will be no adverse impacts upon the nearby hotel.

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Therefore having regard to the above it is not considered that the proposals would give rise to residential amenity concerns, in accordance with Policies PS2, RP2 and RP3 of the Swansea Local Development Plan.

### **Ecology and Trees**

The applicant has submitted an ecological report which determined that levels of bat activity were generally low at the time of the survey, however one common pipistrelle was recorded emerging from the building. Therefore having regard to this a European Protected Species (EPS) licence issued by Natural Resources Wales – will be required before demolition of the building.

### **DEROGATIONS**

The application site has protected species on site, namely bats. Protected species surveys have been undertaken and mitigation measures have been provided to ensure their protection and continued progression.

i. Regulation 52(3) the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The proposed development would comprise industrial development that would bring a vacant parcel of land to use and provide employment opportunities. It is therefore considered that there are overriding social and economic considerations of overriding public interest.

ii. There is no satisfactory alternative;

Doing nothing would result in the existing building falling further into disrepair. The site would subsequently have a negative impact on the local environment and its surroundings and could be subject to anti-social behaviour. The proposed development would provide for a new industrial development and jobs.

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

This planning application includes a Bat Mitigation Report. This report confirms that the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, providing that mitigation is provided. It is considered that this proposal together with the specified mitigation measures would not be detrimental to the favourable conservation status of the European Protected Species on this site. However it is noted that a European Protected Species (EPS) licence will be required.

NRW raises no objections to the proposals. The Council's Ecologist raises no objection to the proposals subject to conditions in relation to an EPS licence, a CEMP and a scheme for ecological enhancements. The Council's Ecologist also requests conditions in association with clearance, hedgehog fencing and the covering of trenches.

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It is not considered reasonable to condition specific hedgehog fencing or the covering of trenches and tree/shrub clearance in relation to bird nesting season is covered by separate legislation and it is not therefore be reasonable to condition this.

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. The applicant has indicated ecological enhancement measures in the form of bat boxes on the site plan and details within the bat mitigation report but these are not shown on the elevations, therefore for the avoidance of doubt a condition requiring full details of the proposed ecological enhancements will be imposed.

In light of the above, it is not considered that the proposed development would conflict with the LDP Policies ER8, ER9 or the "Development and Biodiversity SPG".

The applicant has submitted an arboricultural report which identifies that one category B (moderate quality) tree and one category C (low quality) tree will need to be removed in order to facilitate the development. Two category U (poor quality) trees will also be removed due to poor health.

The category B tree should be replaced in line with the Council's Tree Replacement Standard found within the Trees, Hedgerows & Woodlands SPG. Whilst it is recognised that a landscaping scheme has been provided, to ensure that adequate replacement trees are provided a condition will be imposed to ensure that this is provided.

### **Drainage and Flood Risk**

The Local Authority's Drainage Engineer has confirmed that the development will require sustainable drainage to manage on-site surface water and subsequent SuDS Approval Body Consent will be required.

DCWW offer no objection to the proposals. However it is considered reasonable to condition that a foul water strategy be submitted.

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 also seeks to avoid flood risk. The majority of the application site is located within a C1 Flood Risk Zone and the applicants have submitted a Flood Consequence Assessment (FCA). TAN 15 describes Flood Zone C1 as areas of floodplain which are developed and served by significant infrastructure, including flood defences and states that development can take place subject to the application of the justification test, including the acceptability of consequences. Section 6.2 of TAN 15: 2004 states that development will only be justified within zone C1 if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

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- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In this instance, it is considered that the proposal clearly accords with criteria (ii) in that it forms a key employment area and is supported by economic policies within the Swansea LDP and TAN23.

In terms of criterion (iii), the proposal complies with the aims of PPW and would constitute previously developed land. The less vulnerable nature of the use aids this interpretation providing the consequences of flooding are considered to be acceptable through an FCA. The proposals are therefore considered to comply with the requirements of criterion (iii).

Figure 2 in section 5 of TAN 15 categorises general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities as less vulnerable development. Given the nature of the proposed development, it is considered that it falls under the 'less vulnerable development' category which weighs in its favour.

The application is being reported to Planning Committee as the application of TAN 15 is closely linked to the LDP policies and as the proposal does not comply with the tolerable conditions for the 0.1% event.

However, this technical breach needs to be considered in the planning balance. TAN 15 acknowledges that some flexibility is required in existing commercial areas at risk of flooding. In this instance, it is important to note that the development would not increase flood risk elsewhere. The Enterprise Park has a commercial focus and given the economic benefits of the proposal, a degree of pragmatism is considered appropriate and the benefits of sustaining this business, and the overall enterprise park itself, are considered to have more weight in the balancing exercise. This approach is consistent with other applications considered in the enterprise park and there are flood warnings in place. Attention should be drawn to planning application 2021/1431/FUL - Swansea Truck Centre, where the proposals were in a C1 flood risk area and did not meet the tolerable conditions in TAN 15; Committee resolved to approve this application in February 2022.

It is noted that the NRW response states that the submitted FCA fails to demonstrate compliance with TAN 15, however it does go on to state that they do not consider the current flood risk to the site to be altered by the development.

The proposed mitigation is to set the finished floor levels of the new building at 10.25m AOD, which is the same as existing building and so it is not considered that the proposals would increase flooding elsewhere. In light of this it is considered reasonable to condition that the finished floor levels shall be 10.25m AOD. In addition, it is proposed that the owner/occupier sign up the NRW Flood Warning Scheme and a Flood Management Plan has been produced.

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Whilst it is recognised that there are deficiencies within the FCA, on balance and in this particular instance the impact of flooding is considered acceptable in this location. As previously mentioned the economic benefits of the scheme also weigh in its favour and the approach here is consistent with other similar applications within the enterprise park.

### Land Stability and Land Contamination

The application site is located within the defined Development High Risk Area for Coal Mining. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards.

The Coal Mining Risk Assessment prepared by JPP Geotechnical & Environment Ltd confirms that due to the depth of the superficial deposits, shallow mining beneath the site is very unlikely. Therefore having regard to this information it is not considered that the proposals would have an adverse impact upon land stability, in accordance with Policy RP7 of the LDP. The Coal Authority raise no objections to the proposals.

The application site is located on an area of historic contaminated land and a Phase 1 and 2 Desk Study Report has been submitted with the application which confirms no adverse impacts in relation to land contamination. The Council's Pollution Control division raises no objection to the proposals subject to a condition in relation to unforeseen contamination. NRW also raise no objections to the proposals.

### Highway Safety and Car Parking

The car parking provision is 21 for staff (4 EV Charge points but no disabled provision). and 9 for customers (including one for blue badge holders but no EV charge points). However it should be noted that the blue badge space is not correctly drawn, it should be hatched on three sides, this can however be secured via condition. It is noted that the Local Highway Authority state that the car parking spaces are not drawn to standard measurements (2.6m x 4.8m), however on perusal of the site plan it appears that the customer and staff car parking spaces are at least 2.6m x 4.8m and are therefore considered acceptable. The staff parking area should have at least one blue badge parking space and the customer parking area needs at least one EV charge point space. It is considered that these could be accommodated within a revised site layout which can be secured via condition.

Whilst it is recognised that the level of customer parking is below that which is normally required, it is based upon other similar units and found to be a suitable level of provision and this therefore considered acceptable in this particular instance. Furthermore for larger items customers can park within the stock yard and bypass the need to enter into the store. The tandem layout of the staff parking is not considered to be an issue given that it will be managed and located in an area not accessible to the public. There are also areas within the site where additional short stay car parking could take place if required. Therefore, on balance it is considered that the car parking provision is acceptable and would accord with Policy T6 of the Local Development Plan.

Cycle storage is shown as being proposed within the staff parking area which will encourage sustainable travel given the proximity to the National Cycle Network. Cycle parking also needs to be provided for the customer section and this can be secured via condition.

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According to the Car Parking Standards SPG 1 cycle stand per 1000m<sup>2</sup> floor space for long stay and 1 cycle stand per 500m<sup>2</sup> floor space should be provided. The SPG states that long stay cycle parking is applicable for the needs of staff whereas the short stay cycle parking addresses the needs of customers and other visitors to the development. On the basis that 10 cycle stands are to be provided for staff, it is considered reasonable to condition that 5 cycle stands be provided for customer parking (1 space per 500m<sup>2</sup>).

A Transport Statement (TS) has been submitted in support of the application. The site benefits from an extant planning permission for a change of use to a car showroom (under 2018/1130/FUL). The TS states that less trips will be generated with regard to the builders merchants than to the car sales. It is considered that the previous 'Morganite' use would have been likely to generate trips in excess of that generated by the car showroom land/or the builders merchant. It is therefore not considered that highway safety will be impacted by the proposal or that the site will generate significantly more trips that would have any impact of traffic flows in the area.

Swept paths have been submitted as part of the TS (appendix B) which demonstrate that a 16.5m HGV can access the site and then follow the internal road to avoid having to turn within the site, egressing through a new vehicle access which leads to the priority junction access of the site onto Upper Fforest Way.

The site provides Blue badge car parking, EV Charge points and cycle storage, the site is accessible to regular bus services on Clase road and is in close proximity to the National Cycle Route 43 which runs along the River Tawe to the west of the site. The site is therefore considered to be in a sustainable location although it is likely that principal mode of travel will be by car given the proposed use.

The Local Highway Authority raise no objections to the proposals, subject to conditions relating to EV charging, parking layout and a construction method statement.

Therefore having regard to the above it is considered that the proposals would accord with Policies T1, T5 and T6 of the Swansea Local Development Plan.

### **Renewable/ Low Carbon Technology**

Policy EU2 of the LDP requires that development maximises the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal. The applicant has submitted an Energy Statement which states that the high efficiency lighting will be used throughout the development with presence detectors in the back of house areas. Additionally the external yard lighting will only be activated when the ambient lighting conditions are low enough and the system will only be switched on 30 minutes before opening and 30 minutes after close. There will also be roof mounted solar panels with a target of providing 55,000kWh per year from the solar PV system.

It is considered that the use of these high efficiency systems will reduce the energy usage of the site and subsequent energy demand. It is therefore considered that these proposals will utilise low carbon technology and will meet the aims of Policy EU2 of the LDP.

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### Conclusions

In conclusion it is considered that the proposals represent an acceptable form of development. The proposals will not have a detrimental impact upon the visual and residential amenity of the surrounding area, nor will it have a detrimental impact upon ecology, land stability, trees, flooding and drainage. The proposed development will involve the creation of circa 30 jobs and will bring a vacant parcel of land (with decaying office blocks) back to beneficial use. The proposed use is compatible with the surrounding area in visual and policy terms. The proposals will, on balance, would have an acceptable impact on flooding and is consistent with the approach taken with other similar planning applications in the enterprise park. Therefore in light of the above, it is considered that the proposed development represents an acceptable form of development and approval is recommended.

Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

### RECOMMENDATION

#### APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:  
  
221123\_8640-03-003\_P2 REV C proposed lighting layout, 8640-03-001 REV P2 site location plan, 8640-03-003 REV P2 proposed site plan, 8640-03-005 REV P2 proposed roof plan, 8640-03-006 REV P1 proposed elevations, 8640-03-011 REV P2 demolition plan, , received 16th December 2022.  
  
8640-03-004 REV P2 proposed floor plans, received 17th February 2023.  
  
2285401-SBC-00-XX-DR-L-401 REV PL04 strategic landscape/GI plan, received 21st February 2023.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).



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- 4 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously approved in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The site shall then be developed in accordance with the approved Strategy.

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

- 5 Prior to the commencement of development, including any clearance works, a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved CEMP. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards public health, contamination and ecology.

- 6 Prior to the commencement of the development hereby approved, and notwithstanding the details submitted to date, a revised car parking scheme shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be a minimum of 4.8m by 2.6m, one disabled space for the staff parking and one disabled space for customer parking shall be provided. The disabled spaces shall be to British Standards. The approved car parking layout shall thereafter be clearly demarcated on the ground prior to the first beneficial occupation of the development hereby approved and retained as such solely for the parking of vehicles for the lifetime of the development.

Reason: To ensure adequate car parking provision is provided and retained for users of the development.

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- 7 Notwithstanding the submitted details. no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting and shall include replacement trees in accordance with the Council's Tree Replacement Standard (Trees, Hedges and Woodlands SPG). The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and for amenity and biodiversity value.
- 8 The development shall be undertaken in accordance with the reports and recommendations included within Section 4.6 of the submitted Bat Survey Report.  
Reason: In the interests of ecology and biodiversity and to protect vulnerable species as per the Wildlife and Countryside Act 1981.
- 9 Prior to the first beneficial occupation of the development hereby approved details of facilities for the secure and undercover storage for a minimum of 6 bicycles for customer use shall be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter for the lifetime of the development.  
Reason: To ensure cycle parking is provided to encourage sustainable modes of transport.
- 10 3No 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:
- 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 hoarding including decorative displays and facilities for public viewing where appropriate.
  - e. Wheel washing facilities.
  - f. Measures to control the emission of dust and dirt during demolition and construction and
  - g. 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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- 11 Notwithstanding the details submitted to date, full details of the location of Ultra Low Emission Vehicle (ULEV) charging points (a minimum of 1 for customers and a minimum of 3 for staff) shall be submitted to and approved in writing by the Local Planning Authority. The approved ULEV charging points shall be installed in accordance with the approved details prior to the first beneficial occupation of the development hereby permitted and retained as such thereafter for the lifetime of the development.  
Reason: To ensure ULEV charging points are provided to comply with Policy 12 of Future Wales.
- 12 The use hereby permitted shall not operate and no customers or deliveries shall be on the premises outside the hours of Monday to Saturday 06.00 to 19.00 and Sunday and Bank Holidays 08.00 to 14.00.  
Reason: In the interest of general amenity and to protect the amenities of the nearby hotel.
- 13 No development shall commence until details of a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development  
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 14 The finished floor levels of the building, as shown on plan no. 8640-03-006 REV P1 proposed elevations, shall be set at 10.25m AOD.  
Reason: In the interest of flood risk and amenity.
- 15 The use hereby permitted shall not operate and no deliveries to and from the site shall take place outside the hours of Monday to Saturday 06.00 to 19.00 and Sunday and Bank Holidays 08.00 to 14.00.  
Reason: In the interest of general amenity and to protect the amenities of the nearby hotel.

### Informatives

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 12 - Regional Connectivity

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, PS4,, RC10, RC11, ER2, ER8, ER9, ER11, T1, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP7 and RP10.

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2 **Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

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/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.

4 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).

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

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

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

6 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

7 Construction Noise

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

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

Item 3 (Cont'd)

Application Number:

2022/2937/FUL

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 unless otherwise agreed through the Local Planning Authority.

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.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

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

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

Dust Control

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

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

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

Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

- 8 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

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

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

Item 4

Application Number:

2022/2862/S73

Ward:

Morrison - Area 1

Location:

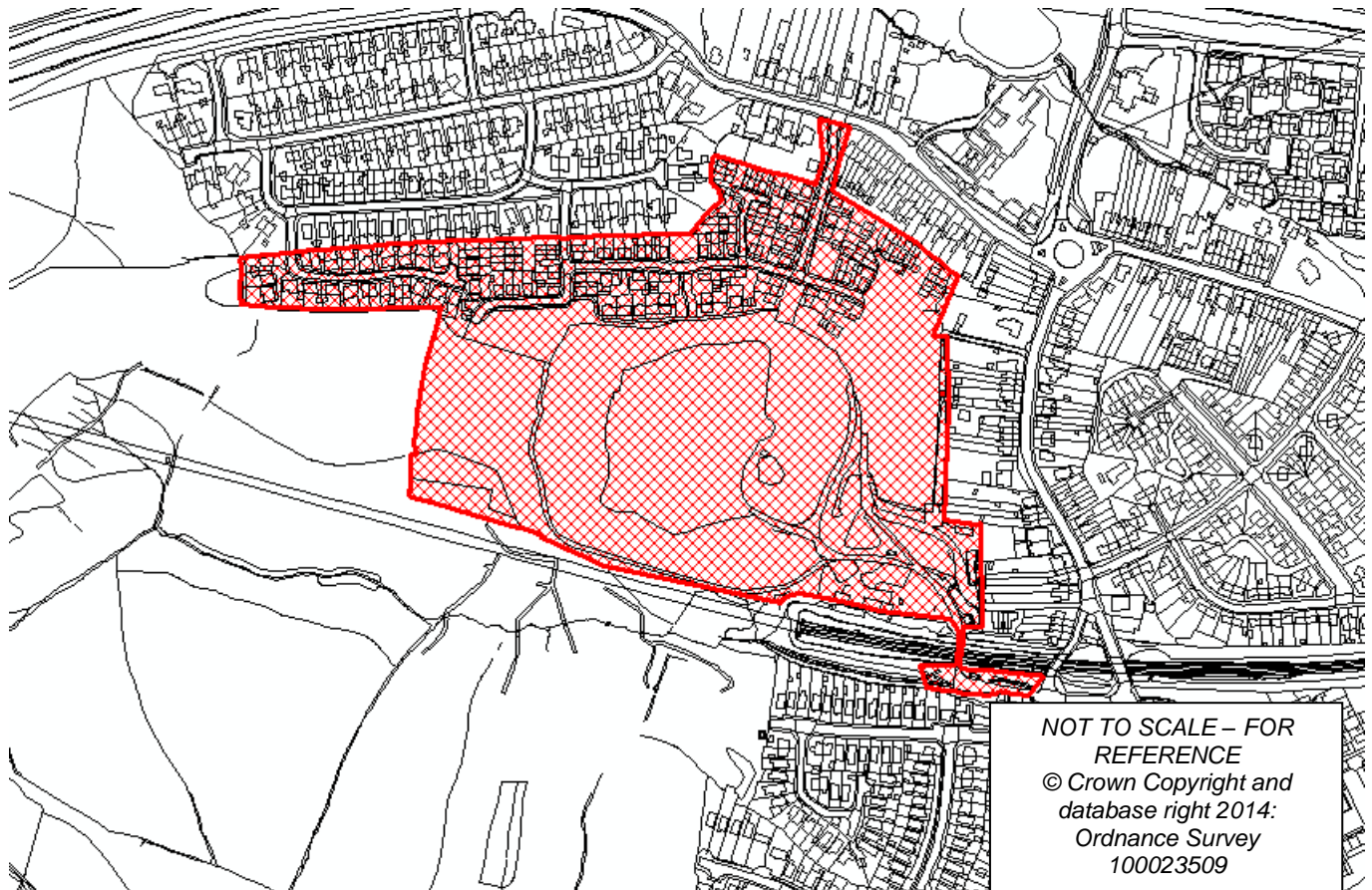
Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6EA

Proposal:

Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023) (Variation of condition 2 of planning permission 2020/2068/S73 granted 1st September 2021) for an extension of time of 3 years to submit the further phases of development

Applicant:

Mr Tim Smale Edenstone Group



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

Item 4 (Cont'd)

Application Number:

2022/2862/S73

### Background

**This application is reported to Planning Committee as the original outline application was for circa 300 dwellings and was accompanied by an Environmental Statement.**

Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

"Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)"

The appeal was allowed subject to conditions and subject to a Section 106 Unilateral Undertaking requiring, amongst other matters, the following:

- Education contribution of £750,000 towards the cost of 3 new classrooms at Cwmrhydyceirw Primary School.
- School specific travel plan contribution of £30,000.
- Highway safety improvements on Maes Y Gwernen Road and Heol Maes Eglwys.
- The provision of 5% affordable housing comprising low cost home ownership units.
- The cessation of landfilling operations.

The approved site is divided into a total of 6 phases. Housing on phases 1 and 2 have already been approved (2018/1873/RES and 2019/0502/RES respectively). It is understood that phase 1 is complete and phase 2 is nearing completion. There are further reserved matters applications for phases 3 & 4 (2020/2559/RES, approved 5th November 2021) and both phases are under construction. A reserved matters application for Phase 5 is currently under consideration (2020/2588/RES). In addition, a reserved matters application for the development of the quarry basin as an area of open space (Phase 6) has also been approved (2019/2236/RES) but has not yet commenced.

### Site Location

The application site is the former Cwmrhydyceirw quarry which is currently being developed for housing by Edenstone Homes under the name of "Parc Ceirw". The site includes the quarry, an area of pasture land to the south of Brodorion Drive and Enfield Close (developed as phases 1&2), and a parcel of greenfield land that separates the quarry from properties on Maes Y Gwernen Road (developed as phase 2). The site is defined to the south by a railway line and the golf course.

### Description of Development

This is a Section 73 application to extend the time period in which to submit reserved matters by a further three years.



**Item 4 (Cont'd)**

**Application Number:**

2022/2862/S73

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

Whilst all phases have had reserved matters approval (apart from phase 5) and some phases are subject to construction, it is understood that this application has been submitted to allow for flexibility in the scheme and potential future reserved matters applications.

## **Planning Policy**

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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

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

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

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

Access and Inclusivity

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

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

Environmental Sustainability

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

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

Character

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

### Community Safety

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

### Movement

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

### Car Parking

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

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

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

### Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

### Trees, Woodlands and Hedgerows

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

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting

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

### Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.

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140 In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

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

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

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

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

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

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

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

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

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

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

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

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

EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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.

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

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

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**Application Number:**

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**Responses to Consultations**

**Local Authority Ecologist**

If there isn't already a condition in place, there needs to be one for an INNS management plan, to include eradication of Japanese knotweed, Himalayan balsam and Wall cotoneaster.

The updated PEA with this application is stating that there is a building with low suitability for bats - in line with the BCT guidelines this means they need to do one emergence survey (between May and August) to check for bats. I'm not sure if the building has ever had an emergence survey, but regardless it would probably be out of date now anyway and need updating.

It is also stating that there are still waterbodies on site, which could be suitable for amphibians. Great crested newt surveys have been undertaken previously on site and nothing found, however they are now out of date, so eDNA surveys should be undertaken (between mid-April and June).

Same situation with reptiles - I think the last surveys were undertaken in 2014, so these also need to be updated (between April and September).

However, if they are applying to delay the reserved matters for another 3 years (to 2026), it doesn't really make sense for them to do the surveys in 2023, as they'll just need to repeat them again in 2025/2026. Would it therefore make more sense for us to grant this permission but condition that they are undertaken prior to any submission of the reserved matters? Another updated PEA would also be required at that stage.

I think it would also be sensible to require them to update their Environmental Management Plan for the future phases, in line with the results of the future ecology surveys.

The agent has stated that there will be no works to the existing building as part of the proposal. In light of this the Ecologist was re-consulted and confirmed that no further surveys are required in relation to the building on site.

**Natural Resources Wales (NRW)**

We have no objection to the variation of condition 2 to extend the period of time

**Pollution Control**

No objection.

**Housing**

No further comment.

**Education**

No objection

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### Network Rail

Network Rail have no objection to the extension of time to submit further phases of development

### Local Highway Authority

There are no highway objections to the extension of time to submit additional phases of development.

### Local Authority Tree Officer

No objection

### Neighbour comments:

The application was advertised by site notice and press notice.

- No responses have been received to date.

## APPRAISAL

### Main Issues

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

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

The previous planning application was considered against Local Development Plan Policies, there have therefore been no policy changes since the last application.

The principle of the cessation of landfilling operations and the development of the site for housing has now been established and does not conflict with LDP Policies. Also of note is that phase 1 of development is complete, phase 2 is at or nearing completion, phase 3 is underway with two further phases granted permission and a reserved matters application for phase 5 currently under consideration. Therefore, the main issue for consideration is whether the requested extension of time to submit reserved matters would conflict with LDP Policies and whether there are any other material planning considerations that are relevant to the consideration of this application. There are considered to be no additional issues arising from the provisions of the Human Rights Act.



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**Discussion**

When the application was originally considered under application 2014/0977, it was accompanied by an Environmental Statement which covered issues principally in relation to the impacts of the former landfilling operations on the future housing and the impacts of the development upon ecology. During the consideration of that application the LPA worked closely with NRW, Council's Pollution Control Division and the Council's Ecologist to ensure that a satisfactory level of information was provided in order to fully assess the impacts of the development.

In relation to this application, an addendum to the original Environmental Statement has been submitted.

In respect of ecological matters the key issues, when originally considered, were the impacts in relation to the designation of part of the site as a Site of Importance for Nature Conservation and the potential impacts upon any protected species at the site including bats, breeding birds and reptiles. A range of mitigation measures were proposed to address the potential impacts of the development upon the ecology of the area and these were formalised through the submission of an Environmental Management Plan (EMP) that was secured by a condition. The EMP has now been approved and the reserved matters phases are being assessed in relation to the requirements set out within the EMP. Moreover, the developer has, where necessary, provided ecological updates for the subsequent applications, including this application.

In relation specifically to ecological matters, NRW and the Council's planning ecologist have offered no objection to this application. Clearly, as with all the reserved matters that have been submitted to date, it will be necessary for any further reserved matters applications to include up to date ecological information in order to fully assess the impacts of the proposals. However, on the basis of the information provided to date, it is not considered that the proposed extension of time to submit the reserved matters would result in any significant harmful ecological impacts. On this basis the proposal would not conflict with LDP Policies ER6, ER8, ER9 and ER11.

Through the passage of time since the appeal was allowed further operations have taken place on site in order to address the legacy of the former landfilling operations at the site. These works are ongoing and, for the most part, are covered by the environmental permitting regime administered by NRW. Any necessary mitigation measures in respect of addressing the potential impacts of landfill gas on the future occupiers, and impacts arising from leachate associated with the former landfill area and groundwater impacts were also dealt with through conditions within the outline planning permission.

NRW and the Council's Pollution Control Division have offered no objection to the proposal. Should planning permission be granted for this Section 73, the conditions of the original permission and the terms of the S106 Unilateral Undertaking would be re-imposed and/or varied, where necessary, to take account of the changes to the scheme and the submission of further information since the original planning permission was granted on appeal and extended through application 2020/2068/S73. On this basis it is not considered that the proposed development would result in any unacceptable land contamination or landfill gas impacts and would therefore not conflict with LDP Policy RP4 or RP6.

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In relation to drainage and highway safety, the Local Highway Authority raise no objections to the proposals and matters relating to these aspects of the scheme were fully considered at the outline stage with the relevant and necessary conditions and requirements being attached to the appeal decision and Section 106 Unilateral Undertaking. These matters are also being considered further at the reserved matters stages. On this basis it is considered the proposal would not conflict with LDP Policies RP4, RP5, T1, T5 and T6.

At the appeal for the outline planning permission, permission was granted on the basis that the development would provide 5% affordable housing provision on site as low cost home ownership. This was included within the S106 Unilateral Undertaking and the developer provided a viability assessment with the first reserved matters application which demonstrated that the development could not sustain any greater S106 contributions. The applicant submitted a further viability appraisal with the previous application (2020/2068/S73) approved 1st September 2021. In light of the findings of previous viability appraisals on the site, and particularly having regard to the high abnormal cost on the site and the uncertain economic climate following the pandemic, the conclusions of the viability assessment are considered to still be valid and it is accepted that the S106 developer contributions and affordable housing should remain at the levels granted on appeal, subject to appropriate levels of indexation.

### **Other Matters**

Under LDP Policy EU2, new residential developments of 100 homes or more require the provision of an energy assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks. This requirement was not included within the original outline consent and it is considered it would not now be reasonable to require such an assessment in light of the fact that five out of the six phases have had reserved matters applications approved and a reserved matters application for phase 5 currently under consideration by the LPA.

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms (the obligations are necessary to ensure adequate education provision, the provision of affordable housing (low cost home ownership), ensure highway safety and the cessation of the landfilling operation);
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development);
- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this site).

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It is considered therefore that a further S.106 agreement is necessary to secure the obligations as set out in the original legal agreement.

### Conclusion

This is a Section 73 application to extend the time period in which to submit reserved matters for future phases of the development for a further three years. The LDP has been adopted since the original outline application was granted, however it is not considered that the proposed time extension would fundamentally conflict with LDP Policies. There are considered to be no other material planning considerations that would weigh against the approval of this application. Approval is recommended.

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

### Recommendation

**Approve, subject to the conditions indicated below and the modification of the Section 106 Unilateral Undertaking or the signing of a new Section 106 agreement to secure the obligations within the original Section 106 Unilateral Undertaking, subject to any necessary modifications having regard to any information already provided by the applicant.**

**If the section 106 agreement is not signed within 3 months of the date of the Committee resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI6 (Provision of New Openspace) and T1 (Transport Measures and Infrastructure).**

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development subject of any reserved matters application(s) submitted after the date of this decision notice begins, and the development shall be carried out as approved.  
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

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

### Item 4 (Cont'd)

Application Number:

2022/2862/S73

- 3 The development (in relation to access) shall be carried out in accordance with the following approved plans: PA\_01 Site Boundary, W131130/A/10, as approved under application 2014/0977.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 4 The development shall be carried out in accordance with the phasing programme approved under discharge of condition application 2018/2317/DOC.  
Reason: To ensure the timely delivery of development and supporting infrastructure in the interests of good planning.
- 5 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. Development shall be carried out in accordance with the approved details.  
Reason: To ensure a satisfactory form of development in the interests of visual amenity and residential amenity.
- 6 The scheme to investigate and monitor the site for the presence of gases (including landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide) shall be implemented in accordance with the details approved under discharge of condition application 2018/2019/DOC.

In the event that gases are being generated within the site outside of the development areas for phases 1 and 2, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the development hereby permitted.

Reason: In the interests of protecting human health and property within the development.

- 7 The strategic site wide foul, surface and land drainage strategy, based on sustainable drainage principles, shall be implemented in accordance with the details approved under discharge of condition application 2019/0219/DOC or alternatively in accordance with phased drainage operations to be approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.
- 8 The development shall at all times be implemented in accordance with the approved details and timescales set out within the Environmental Management Plan approved under discharge of condition application 2018/2317/DOC.  
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to ecology, pollution, contamination, water resources.

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Item 4 (Cont'd)

Application Number:

2022/2862/S73

- 9 The application submitted to Natural Resources Wales for the definitive closure of the landfill site made under application reference PAN-004085 (Permit reference: EPR/TP3835LV) shall not be withdrawn without first notifying the local planning authority in writing.  
Reason: To ensure the site is definitively closed in the interests of the health and safety of the future occupiers of the development.
- 10 The development shall at all times be implemented in accordance with the Construction Method Statement and accompanying details approved under discharge of condition application 2019/0220/DOC.  
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to environmental pollution, contamination, and highway safety.
- 11 Any further details of the reserved matters set out in condition 1 shall be accompanied by an arboricultural impact assessment, a tree protection scheme and method statement, which shall include trees to be retained ("Retained Trees") and shall address the impacts raised in the arboricultural impact assessment. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme which shall be retained for the duration of the construction works within that phase.  
Reason: In the interests of protecting trees of value within and around the site.
- 12 Prior to first occupation of any dwelling within the Environmental Permit boundary (as defined on Plan No. EDE/CW/06-14/17856 (Figure 8.2 of the Environmental Statement) a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be submitted to and approved in writing by the local planning authority.  
  
The scheme shall be carried out and thereafter retained in accordance with the approved details and timescales.  
  
Reason: To ensure essential gas monitoring and groundwater pumping infrastructure is adequately protected from vandalism or accidental damage.
- 13 No Retained Trees as shown on any landscaping scheme approved as part of the reserved matters application, shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved detailed 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 a similar location and that tree shall be of a size and species as specified in writing by the Local Planning Authority.  
Reason: To ensure any Retained Trees that are removed are replaced in a satisfactory manner.

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### Item 4 (Cont'd)

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- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 15 Prior to the commencement of construction of any unit sited within 30 metres of the Llangyfelach Railway Tunnel (to the south) details of the construction method for the dwellings shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved construction method.  
Reason: To ensure the development would not pose a risk to the stability of the railway tunnel, in the interests of health and safety.
- 16 The measures for the control, management and monitoring of landfill gas and leachate generated in the existing landfill site shall be carried out in accordance with the detail approved under discharge of condition application 2018/2019/DOC.  
Reason: In the interests of protecting human health, ground water, and property within the development, and to protect the railway tunnel from leachate and landfill gas.
- 17 A detailed scheme for the eradication of Invasive Non-Native Species (INNS) shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of development on site.  
Reason: In the interests of the ecology and amenity of the area

### Informatives

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 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, ER6, ER8, ER9, ER11, EU2, EU4, T1, T5, T6, RP4, RP5 and RP6.

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

Item 5

Application Number:

2023/0013/FUL

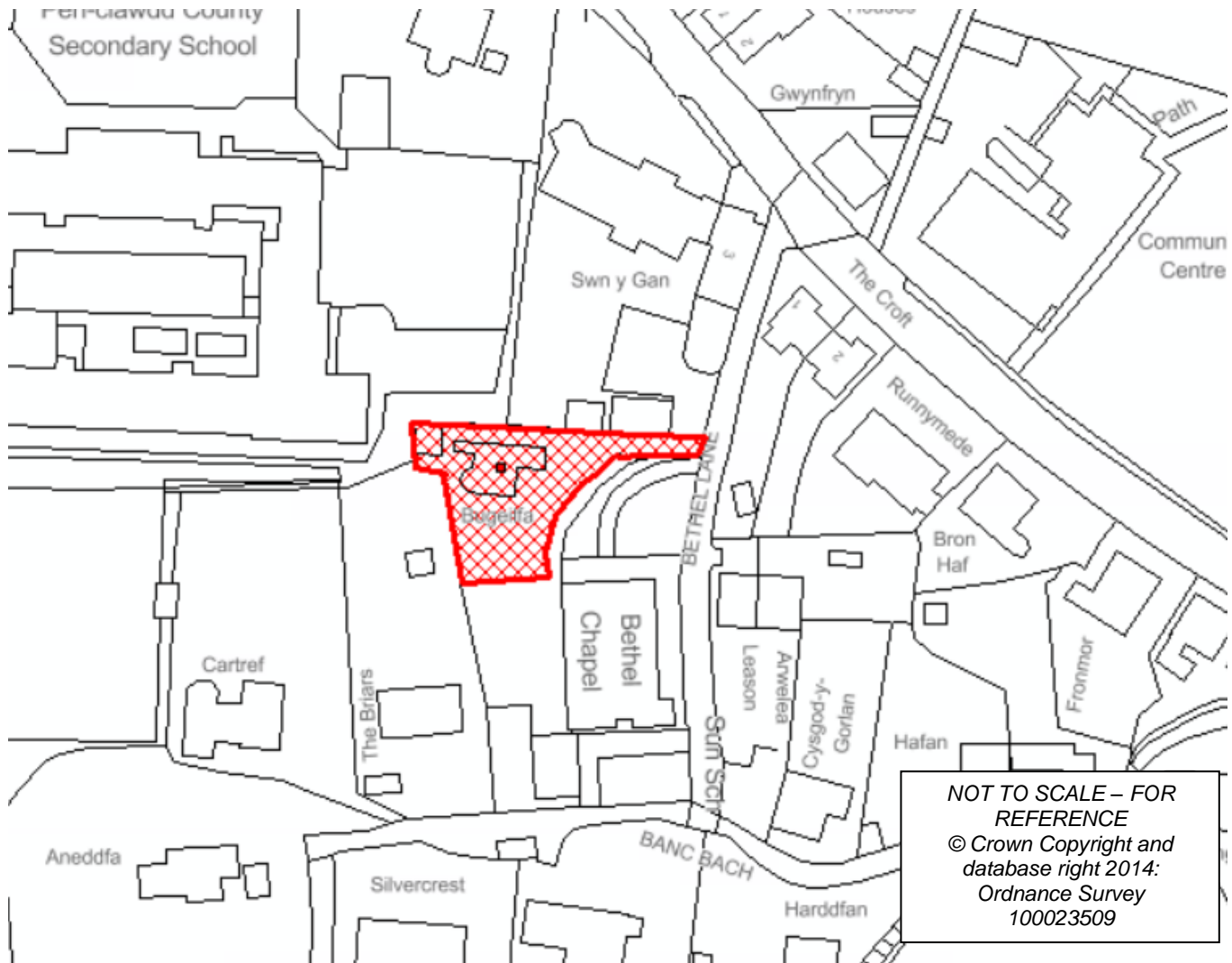
Ward:

Penclawdd - Area 2

**Location:** Bugeilfa, Bethel Lane, Penclawdd, Swansea, SA4 3FP

**Proposal:** Single storey side and rear extension

**Applicant:** Mr Andrew Williams



### Background

This application is being reported to Planning Committee for determination as the applicant is Councillor Andrew Williams (Ward Member for Penclawdd).

### Site Description

The application site comprises a detached two storey dwelling house known as Bugeilfa which is located in the Penclawdd Conservation Area. The application site is adjacent to the Grade II Listed Bethel Independent Chapel (including Sunday School) and associated listed walls, gates and railings.

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The dwelling house property benefits from a generous curtilage with a driveway accessed via Bethel Road.

The existing dwelling has a single storey rear conservatory and a detached outbuilding.

### **Description of Development**

Full planning permission is sought for a single storey side and rear extension.

The proposed extension is single storey in height and has an irregular footprint. It has a projection from the rear wall of the main back wall of the house ranging from between 2.6m and 5.2m. It projects 2.4m from the side elevation of the house. The bedroom element of the extension would feature a pitched roof 4.1m in height whereas the remainder of the extension would benefit from a flat roof 2.6m in height. No external materials have been specified.

The existing conservatory/extension, as well as an outbuilding would be demolished to facilitate the construction of the proposed extension.

### **Relevant Planning Policy**

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

#### Planning Policy Wales (Edition 11) February 2021

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

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

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

Policy PS 2 states that "development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place". It continues "all proposals should ensure that no significant adverse impacts would be caused to people's amenity".



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

Policy HC 2 - Preservation or Enhancement of Buildings and Features - development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

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

### Supplementary Planning Guidance

The application is also considered with regard to the Placemaking Guidance for Householder Development SPG (2021) and Biodiversity and Development SPG (2021).

### Other Considerations

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

### **Consultation**

Council's Heritage & Placemaking Officer - No objection

### **Publicity**

Neighbour consultation letters were sent out on 20th January 2023 and the application was also advertised by means of a Site Notice on 24th January 2023.

No objections have been received to date.

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## **APPRAISAL**

### **Main Issues**

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, having regard to the prevailing provisions of the relevant LDP Policies and National Planning Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Visual Amenity**

The site lies within the Penclawdd Conservation Area. As set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 a Conservation Area is defined as an area of 'special architectural and historic interest, the character or appearance of which it is desirable to 'preserve or enhance'. Section 72 of the Act specifies that in making a decision on an application for development in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. This is reinforced by Policy HC 2 of the Swansea LDP.

Given the sensitive nature of the application site, the Council's Heritage and Placemaking Officer has been consulted and his comments are summarised below:

*This property lies in the Penclawdd Conservation Area where the preserve or enhance test applies. It also forms part of the setting of the immediately adjacent Bethel Chapel and entrance railings which are grade II listed.*

*Given the relationship to Bethel Chapel, it is important to consider whether Bugeilfa is a curtilage listed building as set out in Section 1(5) of the Planning (listed buildings and conservation areas) Act 1990 that defines curtilage listed buildings/ structures as any object or structure fixed to the building or any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948. The current owner has confirmed that the house was constructed circa 1930 for the chapel minister but that it was sold out of chapel ownership approximately 30-40 years ago which predates the listing of the chapel by Cadw in 2000. Therefore on the basis that Bugeilfa was in separate ownership at the time of listing, it does not meet the test as a curtilage listed building and therefore no listed building consent is required for the alterations to the house.*

*The proposal is a rear single storey extension with mono-pitched roof and the materials appear to match the existing. The extension is a subservient structure of traditional design which relates well to the host dwelling. It is unlikely to be visible from Bethel Lane as the main public vantage point within the Conservation Area. It would be visible from the frontage of Bethel Chapel but is not considered to harm the setting of this listed building.*

*The proposal is acceptable in heritage terms.*

The above comments are accepted in full and the proposed extension is considered to be a suitably subordinate addition to the host dwelling. Furthermore, subject to a condition to ensure the materials used for the external surfaces of the extension match the main house, the proposed development is considered to be of an appropriate design and finish.

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As such, the proposed development is considered to respect the form and appearance of the host dwelling and would preserve the character of the Penclawdd Conservation Area and not detract from the setting of the neighbouring listed Bethel Chapel.

Therefore, the proposed development would comply with Policies PS 2, HC 2 and ER 4 of the Swansea Local Development Plan (2010-2025) and the Placemaking Guidance for Householder Development (2021).

**Residential Amenity**

The application site shares its boundaries with The Briars, Barham House, Swn Y Gan, Swn Y Gan Nursing Home, Bethel Chapel and Penclawdd Primary School.

The extension would be sited within close proximity to the northern site boundary. This section of the site boundary is shared with the adjacent Primary School. Consequently, there will be residential impact created here.

The extension is also sufficiently set off from the shared boundary with The Briars. As such, the overbearing/overshadowing impact towards this property is not significantly greater than what is currently afforded from the existing extensions that would be demolished.

In terms of privacy, all windows proposed would be at ground floor level and as such would not afford harmful views towards adjoining neighbours.

In summary, the proposed development is considered to have an acceptable impact towards the residential amenity of the adjoining neighbours.

**Access and Highway Safety**

The proposed works would not impact the availability of car parking at the site, however, the proposed extension would create an additional bedroom at ground floor level and as such the demand for car parking could potentially increase as a result. Notwithstanding this, the curtilage of the site is capable of accommodating additional vehicles if required. As such, highway safety is considered to be unaffected by the proposed development.

**Ecology and Ecological Enhancement**

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

Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

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### Conclusion

Having given due regard to all relevant material factors, the development is considered to be acceptable in respect of Policies PS 2 (Placemaking and Place Management), HC 2 (Preservation or Enhancement of Buildings and Features) and ER 9 (Ecological Networks and Features of Importance for Biodiversity) of the Swansea Local Development Plan (2010-2025) and the Placemaking Guidance for Householder Development (2021).

### RECOMMENDATION

#### APPROVE subject to the following conditions;

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

WILLIAMS/PLAN/01 Rev A Location Plan, received 4th January 2023.  
WILLIAMS/PLAN/03 Rev B Proposed Floor Plans, Elevations and Block Plan, received 20th January 2023.

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

- 3 The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building, and shall be applied prior to the first beneficial use of the extension hereby permitted.

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

- 4 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall 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 Policy 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: Policies 1, 2 and 9

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS 2, HC 2 and ER9.

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

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

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

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

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest 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.

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