

## **Report of the Head of Economic Regeneration & Planning**

**Area 2 Development Control Committee - 8 April 2014**

**Land at Cae Duke, Loughor Road, Loughor, Swansea**

**Construction of 106 residential units and associated works, including a new access spine road, public open space, recreational space, surface water attenuation ponds & reed bed, and public footpath linking onto Waun Road**

**Planning Application Reference: 2013/0261**

### **1.0 Background**

- 1.1 At the Area 2 Development Control Committee on 10<sup>th</sup> December 2013 Members resolved to approve the above planning application subject to conditions and subject to a S106 Planning Obligation.
- 1.2 The report was updated and amended to include an additional condition to restrict vehicular access from Waun Road and to amend the heads of terms of the S106 Planning Obligation to control public access to the proposed public open space and local area of play.
- 1.3 The S106 Planning Obligation as approved, therefore, requires the provision of:
  - 30 units of affordable housing on the site;
  - an education contribution of £91,832,
  - a highways contribution of £73,882;
  - management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the local area of play (LAP);
  - the variation of the original S106 in respect of the open space and woodland in the north eastern section of the site.

A copy of my updated report is attached as Appendix A.

### **2.0 Main Issues**

- 2.1 In the process of drafting the S106 Planning Obligation it transpires that a small part of the application site straddles into part of an area of land identified, at the time, on the original S106 agreement for the future provision of playing fields. This area has, however, subsequently been allocated as housing land under the provisions of the City and County of Swansea Unitary Development Plan (2008).
- 2.2 This is, therefore, essentially a technical legal matter and in this respect it should be recognised that a planning application submitted by Loughor RFC is currently under consideration by this Authority for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11m x 15m high floodlighting columns on land adjacent to the current application site (Ref. 2014/0306).

2.3 It is recommended therefore that the terms of the S106 in so far as it relates to the “variation of the original S106 in respect of the open space and woodland in the north eastern section of the site” be amended to read as follows:

- the revocation of the original S106 in so far as it relates to all of the land within the red line of the application site.

### **3.0 Recommendation**

It is recommended that:

(i) That planning permission be GRANTED subject to the conditions detailed in my updated report reproduced at Appendix A and to the applicant entering into a S106 Planning Obligation to provide:

- 30 units of affordable housing on the site;
- an education contribution of £91,832,
- a highways contribution of £73,882;
- management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the local area of play (LAP);
- the revocation of the original S106 in so far as it relates to all the land within the red line of the application site.

ITEM APPLICATION NO. 2013/0261  
 WARD: Kingsbridge  
 Upper Loughor  
 Area 2

**Location:** Land at Cae Duke Loughor Road Loughor Swansea

**Proposal:** Construction of 106 residential units and associated works, including a new access spine road, public open space, recreational space, surface water attenuation ponds & reed bed, and public footpath linking onto Waun Road

**Applicant:** Barratt Homes South Wales

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)
Policy EV24	Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)
Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)
Policy EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2007/2097	Construction of 209 dwellings, indoor sports barn, two outdoor sports pitches, new vehicular access off Loughor Road and associated parking,

open space and landscaping works (Additional drainage plans received)  
Decision: Withdrawn  
Decision Date: 26/04/2012

99/0340 RESIDENTIAL DEVELOPMENT, NEW PLAYING FIELDS, CHILDRENS  
PLAY AREA AND PROVISION OF SCREEN PLANTING (OUTLINE)  
Decision: Withdraw  
Decision Date: 22/10/1999

2012/1012 Use of property as a dwelling house without complying with agricultural  
occupancy condition 1 of planning permission 81/546 granted on 23rd  
February 1982 and condition 1 of planning permission 82/167 granted  
29th June 1982 (application for a Certificate of Lawfulness)  
Decision: Was Lawful  
Decision Date: 11/09/2012

2003/1046 Rear conservatory extension  
Decision: Grant Permission Conditional  
Decision Date: 16/07/2003

2008/2359 Front canopy and front bay window  
Decision: Grant Permission Conditional  
Decision Date: 02/02/2009

2007/2866 Two storey side extension  
Decision: Grant Permission Conditional  
Decision Date: 23/01/2008

2011/1191 Single storey side extension  
Decision: Grant Permission Conditional  
Decision Date: 13/10/2011

2009/0425 To remove overhanging limbs from 2 oak trees covered by TPO No. 536  
Decision: Grant Tree Pres Order Consent (C)  
Decision Date: 03/06/2009

2005/1729 Side conservatory  
Decision: Grant Permission Conditional  
Decision Date: 03/10/2005

## **RESPONSE TO CONSULTATIONS**

### **Initial Plans (108 units)**

Thirty Three neighbouring properties were directly consulted and 4 site notices were placed close to the site. The application was also advertised in the press as being an application accompanied by and Environmental Statement and as being a 'DEPARTURE' from the development plan.

TWENTY NINE LETTERS OF OBJECTION have been received. The concerns raised are as follows:

- There is already an increase in traffic on Loughor Road and it is becoming increasingly busy particularly at peak times where it is almost gridlocked, despite the by-pass. Trinity Street, Lime Street and Libanus Road will be used increasingly more as the unofficial bypass for Gorseinon Centre to get to the site.
- During the start of the school day, cars are parked on both sides of the road from the bottom of Loughor Road to its junction with the Highfield Estate.
- Pontybrenin School & Gorseinon College are virtually impassable and highly dangerous at drop off / pick up times which has been overlooked and not taken into account in the traffic survey.
- The traffic survey is highly flawed – no pedestrians recorded – many people walk around the neighbourhood on a daily basis during the times the traffic survey was carried out, so the fact that not a single pedestrian passed in the 6 hours tested is very questionable / unrealistic
- The spine Road will cause more congestion.
- Loughor Road already has an access to Heritage Park and a mini roundabout into Highfield, in very close proximity, both of which have caused accidents and frequent near misses – many drivers fail to give way at the roundabout. Children walking to school will be put at even greater danger if another entrance is allowed from Loughor Road.
- The plans encourage other means of transport including public transport and cycling to work. It would take a brave or foolhardy cyclist to brave the Loughor Road in the rush hour. Given the lack of public transport in this area, a car is a necessity.
- The impact of construction traffic will be significant and has not been considered in the planning submission.
- The proposal and additional traffic will lead to a decrease in air quality.
- No strategic assessment of traffic from all UDP housing allocation sites feeding onto Loughor Road has been undertaken.
- The quantity of housing proposed will have a significant effect on the existing community. The population of Kingsbridge is currently given as 4,000+. Assuming that 108 dwellings house 254 people (2.35 people per dwelling), the population will increase sharply. I believe this will be damaging to the existing community. In addition, as public transport, walking and cycling do not offer viable alternatives to the use of a car in this location, the proposal can not be supported by local infrastructure. No shops, no post office, no chemist, in fact no retail premises within walking distance. Also no health centre or surgery.
- The proposal submitted is for 108 houses on approximately half of the land allocated for housing in the Unitary Development Plan. Whilst this proposal on its own may be considered acceptable, a significant quantity of land allocated for housing will remain. We note that the application includes scope for future development. We do not believe that the infrastructure in this area can accommodate this and future applications.
- The infrastructure of Gorseinon is already at breaking point i.e. dentists, schools and GP's and health centres.
- Local hospitals are full. Morriston is full to capacity with wards closing, waiting times increasing, breaches of ambulance and A&E is constant. More pressure on an already over pressurised health service.
- A survey has admitted that the local primary school, Te Uchaf is oversubscribed. I would like to point out that the other primaries in the area are also full, whilst the Welsh medium primary for the catchment area, Ysgol Cymreag Pontybrenin is full to

bursting point. More houses in the area will create even more pressure on oversubscribed schools.

- Public utilities are already over-stretched and power cuts are fairly frequent. Extra housing will put a strain on sewerage, lighting and other services.
- More antisocial behaviour as children will have nothing to do.
- Police / emergency services will be unable to cope with increases in population to the area.
- Loss of green belt area again. We live in a small town and would like to maintain that – we do not live in a city.
- The area to be developed extends outside the area set out in the draft UDP.
- Noise nuisance to neighbours, we tolerated Cae Duke Estate when it was built 14 years ago, won't tolerate any more building work.
- The proposal has little regard for the standard of living of future occupants. The developer has squeezed properties onto the site with little regard for the standard of living of the future occupants. High housing density encourages a high turn over in occupants which is detrimental to the stability of the community. High density housing and a high turn over in occupants also creates problems of antisocial behaviour.
- Sewerage & flood plain damage. The sewerage work is already overworked. Orders have been made to clear up due to the effect on the estuary.
- Culverting & surface water drainage issues which would exacerbate problems already on Waun Road. Current ditches will not cope with the run off.
- The stench from the sewage works would indicate that the system at Gowerton cannot cope at present. It has not been confirmed that the sewers have the capacity to accept the additional flow from the proposed development in this application.
- Storm water drains are inadequate already leading to flooding; surface water drainage has not been fully investigated.
- We do not believe that there would be sufficient capacity in the water supply of water to accommodate the proposed development. There are already problems in the supply to the current vicinity and there are problems with the water supply being discoloured.
- The site drains into the Afon Lliw, tributary of the Burry Inlet & Loughor Estuary site of Special Scientific Interest (SSSI), part of the Carmarthen Bay and Estuaries candidate Special Area of Conservation (cSAC) – impacting on the European Site.
- Loss of historical site of interest i.e. Roman Road which runs right through the site.
- The Local Authority designated green area has a proposed access road driven through it.
- The land that the site access road passes through is subject to a S106 agreement for open space. This piece of land forms the boundary between the historic villages of Upper Loughor and Kingsbridge. We do not feel that the development of this land is in the spirit of the S106 agreement. The development also includes the construction of several houses on the area of open space subject to an S106 agreement. This proposal breaches the S106 agreement.
- Loss of wildlife habitat and grazing land which is already at a premium in this area.
- The area is already overdeveloped.
- Brownfield sites should be considered over green fields and wedges.
- Three storey houses are completely out of character for the area.
- Spurs in the road plans clearly indicate an intention to extend the site further in the future with the possibility of even further developments into the green fields and increasing all the issues raised, if planning permission is given to this development, breaching planning policy.

- If planning permission is granted for the initial 108 houses it will be relatively easy to gain permission for further development. If this happens the pressure on existing roads, sewerage and other facilities will be enormous.
- There is a complete disregard for the rural aspect of the area that such a large scale development would cause. The pleasant green area would be completely obliterated and the associated wildlife e.g. badgers, foxes etc destroyed. I would point out that many hedgerows have already been cleared by developers illegally prior to planning consent being obtained in an effort to get rid of any wildlife habitat, a matter that has been reported to the planning dept on several occasions.
- The area between Ffordd Cae Duke and Highfield is a designated "green wedge" area and in accordance with the original planning application for Heritage Park should not be developed. Why are criteria allowed to change to accommodate subsequent planning applications.
- The site access road passes through land earmarked as EV24 protected open space in the UDP. This is the last piece of natural green land left open on Loughor Road. Replacing this with a tree lined, landscaped road can not replace the local character that will be lost as a result of this proposal. Loughor will become irrevocably linked to Kingsbridge.
- The development proposal includes houses to be built on an area of open space subjected to EV24 open space protection in the UDP. This is a breach of the UDP. As this area is semi-rural, we believe that the housing proposed is too dense and is out of character with the surrounding area.
- There are many local brown field areas which could benefit from a development of this nature without putting it in the middle of a pleasant green area surrounded by private housing.
- There are already plans for two other developments on that road already.
- The initial planning application for the Cae Duke Colliery site was allowed in order to clear up and improve the visual area. This I agree it has achieved. However to allow this new development into greenfield is a retrograde step and will ruin the rural aspect of the area.
- The development is extremely high density. This will erode what remains of the green wedge separating Kingsbridge from Loughor.
- It will add strain to the existing sewerage. The water pressure is already substandard and will only worsen with extra demand.
- The credit crunch is on going and houses aren't being sold, never mind building new ones.
- Policy E09 (2) of the Lliw Valley plan concedes that "it is desirable to retain a green wedge between the two communities of Loughor and Kingsbridge".
- The development has made a proviso for recreational space but this space is intersected by the only road into the development. To site a recreational space in which children would play adjacent to a main road and intersected by the only road into the development seems to be highly dangerous and a recipe for an accident to happen.
- The track behind Highfield should remain as it was thought to be a 'public right of way' and green wedge land should stay as such.
- The site may have a detrimental impact on the already prone to flooding area at the bottom of Waun Road making it hazardous.
- I do not feel that this application or previous applications have ever taken into consideration the objections of the residents of Gorseinon and Loughor, it's just the same proposal altered very slightly. It seems the applicant has no concern for the social consequences of this development.



- Detriment on badger population near to the proposed development area and other wildlife, to include bats, jays and other indigenous species.
- Loss of trees and hedgerows will have a detrimental effect on all wildlife.
- Enabling works have facilitated the spread of Japanese knotweed.
- The proposed development fails to comply with the following Welsh Assembly Policies from Planning Policy Wales (March 2002)

#### *5.2.8 Trees & Woodlands*

*Trees, woodlands and hedgerows are of great importance both as wildlife habitats and in terms of their contribution to landscape character and beauty. Local Planning Authorities should seek to protect tree, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Still stand.*

#### *9.2.8 Housing*

*Local planning authorities should consider the following criteria in deciding which sites to allocate for housing in their UDP's. The availability of previously developed sites and empty or underused buildings and their suitability for housing use; the location and accessibility of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility; the capacity of the existing and potential infrastructure including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding to further infrastructure; the ability to build communities to support new physical and social infrastructure, including the consideration of the effect on welsh language to provide sufficient demand to sustain appropriate local services.*

- I suspect that given the 'future road links' shown on the plan, this will eventually lead to the building of yet more houses in the area behind Harding Close, and that this proposal is a cynical ploy to achieve this end.

**Llwychr Town Council** – The Council proposes to object to the application for the following reasons:

- (i) Has concerns that the level of traffic generated by the development will be too high having regard to existing levels; and
- (ii) Has concerns regarding the adequacy of the educational facilities to cope with the potential numbers of children living in the residential units.

#### **Amended Plans (106 Units)**

Following negotiations with officers, amended plans were received showing a reduction of the number of units from 108 to 106 units.

All previous objectors were reconsulted with regard to the amended plans. A further SEVENTEEN letters of objection have been received raising the following objections:

- The inevitable substantial increase in population which will result from this proposed application along with the housing development currently under construction in this area will have a significant negative impact on an already highly congested local road network.
- The increased population will also have a detrimental impact on the local schools and amenities. The Loughor/Gorseinon area has had problems with groups of children/youths that do not have adequate after school facilities resulting in gangs of children/youths hanging around on the local streets and shopping areas. Potentially adding to the number of children/youths in the area is a recipe for anti social behaviour

- I notice in this application the Local Authority designated green area has a proposed road access driven through it. The two "Access left for future development" entries shown on the proposal gives me great cause for concern. If this current application is approved the future developments earmarked for this area will only compound the above problems.
- I do not feel that this application or previous applications have ever taken into consideration the objections of the residents of Gorseinon and Loughor, it is just the same proposal altered very slightly. It seems to me the applicant has no concern for the social consequences of this development.
- This development is proposed on land which has historically been designated 'green wedge'. I was under the impression that no building was allowed on this land – when did that change?? Allowing development of this land will make a mockery of the 'green wedge' policy which it appears can be overturned whenever large developers find an attractive area in which to build.
- There are many brownfield sites in the area which would benefit greatly from development – the area in question is not one of them! The effect will be detrimental to the environment and to the communities involved. I would urge you reject this application and preserve the pleasant rural aspect of the area.
- Another concern is the complete disregard for the rural aspect of the area that such a large scale development would cause. The pleasant green area would be completely obliterated and the associated wildlife e.g. badgers, foxes etc destroyed. I would point out that many hedgerows have already been cleared by developers illegally prior to planning consent being obtained in an effort to get rid of any wildlife habitat, a matter that has been reported to the planning department on several occasions for investigation.
- The average property has two cars, and the infrastructure of Gorseinon/Loughor isn't in place to take the vehicles that the new properties will bring.
- I am a regular walker around the area and the existing estates already have blocked pavements because cars are on pavements instead of driveways. The area will become one grid-locked car park with very few green areas.
- In view of the complete mess the Council made regarding the flow of construction traffic for the Persimmon Kingsbridge Fields Development lower down on Loughor Road, can the Council advise where construction traffic will be entering and leaving Cae Duke, over what dates, and during which hours.
- A large number of extra dwellings will put an extra strain on public utilities. This area is already subject to frequent power cuts low water pressure and more houses will only make the situation worse.
- It is noted that there has been clearance started on the Cae Duke development is this in order when the planning has not been approved yet?
- All these houses are being built on top of a mine, how many more houses will be built before the mine collapses.
- The development has made a proviso for recreational space but this is intersected by the only road into the development. To site a recreational space in which children would play adjacent to a main road and intersected by the only road in to the development seems to me to be a highly dangerous and a recipe for an accident to happen.
- There is no documentation in the proposed plans to confirm if there is sufficient capacity in the sewage system to accommodate the proposed developments. We also note that there are at least two other new housing estates (one being constructed i.e. Kingsbridge Fields and one being planned off Glebe Road Loughor) in the close vicinity that would put even further strain on a system that already requires updated/replacing. Again there is no documentary evidence in

the plans to show that any surface water from the developments can be dealt with adequately.

- We object to any two and a half storey housing if the application was granted as again privacy would be lost.
- We note having compared the boundaries of both application sites that there is a discrepancy on the northern boundary of the current application. Our client has not received the requisite notice required of an applicant who wishes to apply for planning consent on another ownership.
- We note that the access road is to be gained over land subject to a S106 Agreement to which Loughor RFC is a party. It was formerly agreed that this access be granted, only due to the fact that an earlier planning condition relating to Heritage Park and impacting on our clients land had not been dovetailed into a highways Section 38 agreement. This error by the Council gave a ransom strip to the developer of Heritage Park and as this is no longer an issue as our client has the right to access the proposed playing ground via Ffordd Cae Duke and Heritage Park.
- We note that the recently amended site plan shows potential access onto our clients land but short of the boundary. If this application were to be granted we urge the council not to repeat the earlier mistake of requiring access onto the Cae Duke site and then not adopting the highway to the boundary.

One further letter of objection raising concerns regarding impact upon local infrastructure, wildlife, environment and the community and the impact upon the protected land between Loughor and Kingsbridge.

The Agent acting for Loughor RFC has raised concerns regarding land ownership. The applicant has confirmed that there is no boundary dispute and that correct notices have been served.

**Llŵchwr Town Council** – The proposed amendments do not address the concerns of the Council outlines previously and as such the council would wish to continue with its objection to the application.

### **Natural Resources Wales (NRW)**

#### Initial Comments (18/04/13)

Prior to determination, we would seek further information regarding the proposed means of surface water drainage. As your Authority is aware, the site is located in an area where there are ongoing concerns regarding the foul and surface water drainage networks, which are resulting in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC. This has resulted in a Memorandum of Understanding (MOU) being prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage will not cause any detriment to water quality. We note that a drainage statement has been prepared in support of this application, (Hammonds Yates ref. 1421 dated 22/01/13,) which details the proposed means of foul and surface water disposal.

Surface Water - We note that site investigation works included as appendix 8 to the Environmental Statement (ES) (Integral Geotechnique Site Investigation Report) have recommended that infiltration methods are not suitable due to ground conditions. It is therefore proposed to install an adoptable gravity drainage network which comprises of the roads and private drainage systems. It is unclear from the drainage statement what techniques are to be used for the private drainage systems and it is indicated that further

investigation is required. The proposed surface water sewers will exit the site at the southern boundary into an underground attenuation tank, which is to be sized to accommodate the 1 in 100yr storm event plus climate change. The piped outfall will then discharge via a hydrobrake into the adjacent existing ditch. It is stated that the discharge rate into the ditch will be equivalent to 'greenfield' runoff of the development site area. This ditch will then pass through a reed bed and eventually discharge into the River Lliw.

We would prefer to see overground storage used at the site as underground storage can result in future/long term maintenance issues. An above ground SUDS system would also provide some biodiversity value to the site and have been successful in reintroducing biodiversity in the urban environment. Furthermore, it is not clear whether this attenuation tank is intended to manage surface water run-off during construction. Experience has shown that pollution of surface water drains and attenuation tanks with sediments during the construction phase of this type of development is common. We have seen prolonged pollution incidents in watercourses from contaminated surface water systems and attenuation tanks. These issues are usually difficult and expensive to resolve and can result in enforcement action. Again, above ground attenuation would be preferable and we would especially like to see an above ground system in place to manage surface water during construction.

If however your Authority is satisfied that underground storage is appropriate then an agreement must be in place to ensure the long term maintenance of the surface water system. No calculations have been provided with the application in support of the proposed surface water drainage system. The detailed design of the underground storage tank (or any other attenuation system) is a matter for Dwr Cymru Welsh Water (DCWW) and your Authority's Drainage Engineers to advise on as the adopting authorities.

However, we will require design calculations and drawings of the system to enable us to determine whether it is designed to the required standards/storm events. This is to ensure the tank or other attenuation features are adequately designed to not increase flood risk elsewhere. We would advise that the design of the attenuation tank should incorporate a system to manage exceedance flows should the storage reach capacity.

We would also welcome the use of additional sustainable drainage systems (SUDS) as part of the development proposal. This is in line with TAN15 guidance (July 2004). While we recognise ground conditions may not be suitable for infiltration techniques, other SUDS could be implemented, for example attenuation pond, swales, grey-water recycling etc. No details have been provided as to whether these techniques have even been considered, or evidence provided to show why they could not be used. Please also note that any works which may affect the flow in the ditch, which is classed as an ordinary watercourse, will require prior consent from the Lead Local Flood Authority (LLFA) which in this instance will be Swansea Council.

Carmarthen Bay and Estuaries European Marine Site (Surface Water) - As you are aware, the ultimate destination of surface water discharged from this site via the Afon Llan is the Carmarthen Bay and Estuaries Special Area of Conservation. As such we advise that you must consider this application under Regulation 61 (1) of the Conservation of Species and Habitats Regulations 2010. This states that an appropriate assessment of the implications for that site in view of its conservation objectives must be undertaken in respect of any plan or project which:

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans and projects), and

b) is not directly connected with or necessary for the management of that site.

Should a competent authority be unable to conclude no significant effect, an appropriate assessment will be required. In considering whether it can ascertain whether the project would have an adverse effect on the integrity of the European site, the competent authority should consider whether the imposition of conditions, or other restrictions, on the project, and the way in which it would be carried out, would enable it to be ascertained that the project would not have an adverse effect on the integrity of the site. We advise that the quality and quantity of surface water discharges from the site are issues that should be considered in the Regulation 61 assessment.

Foul Drainage - With regard to foul water drainage, we note from section 3.1 of the drainage statement that all foul flows will discharge into the public sewer. We also note that a point of connection has been agreed with DCWW. We assume from this that DCWW are satisfied capacity exists at the treatment works (Gowerton) to accommodate the flows generated, without causing pollution. We would recommend that you confirm this with DCWW prior to determination. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal has been implemented within the same catchment. We note from section 3.1 that a scheme is currently being negotiated between Waterman Transport & Development and DCWW. Any agreed scheme must be recorded on the Hydraulic Register of compensatory surface water disposal as held by your Authority. Compensatory phosphate removal should also be implemented at the Llannant STW pro rata to the size of the development to accord with the requirements of the Water Framework Directive.

Carmarthen Bay and Estuaries European Marine Site (Foul Water) - We would also refer you to the following document: "Habitats Regulations Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site": Final Version (v2) David Tyldesley Associates, 10 December 2012. We note that you will be using this report as the Habitats Regulations Assessment for all planning applications in Swansea that fall within the foul drainage catchment area for the Burry Inlet and Loughor Estuary (unless there are other ecological concerns that fall outside the water quality issues covered by this report).

Water Quality / Pollution Prevention - The Water Framework Directive is mentioned as part of the supporting documents, but there is no reference to the actual waterbody in question (Loughor, waterbody number GB531005913500). It is currently failing to meet its ecological requirements and as such, if planning is secured it is imperative that all appropriate steps are taken to ensure the development does not cause any further deterioration. We note that a construction management plan is to be produced, which will detail what pollution prevention measures are to be implemented on site. This must include a detailed surface water management plan (for the construction phase) and site specific pollution prevention plan. Ideally, we would like to see this information prior to determination, but accept that this could be provided under an appropriately worded condition on any permission granted. This plan should include the following:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g.

sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them. Please note that allowing site drainage to enter the foul sewerage system during the construction phase is unacceptable.

Ecology/Biodiversity - We note that some of the habitats and species considered in the ES are included on the UK BAP and Section 42 list of habitats and species of principal importance for conservation of biological diversity in Wales. We remind you of your duty to have regard to the purpose of conserving biodiversity when exercising your authority's functions (Section 40 Natural Environment and Rural Communities Act 2006). As such we welcome the proposal as outlined in section 5.10 (Ecology) and 5.11 (Trees and Hedgerows) to retain features identified as important or of value.

Habitats - The ES highlights the presence of the following UK BAP and Section 42 habitats: Purple moor grass and rush pasture. We note that this habitat will be subject to total loss at the site, but was assessed as being of low conservation value.

Badgers - We note from the ES that there are badger setts within 50m of the boundary of the application site but none within the site itself.

Contaminated Land - We note that a Site Investigation Report, prepared by Integral Geotechnique has been prepared (ref: 11034/MJE/12, Nov 2012) to support this application. We have no comments however in terms of controlled waters. The developer should address risks to controlled waters from contamination at the site, following the requirements of Policy for Wales and the Environment Agency's which can be found on the website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

In consideration of the above, we would ask that determination of the application is deferred until the requested information regarding the discharge calculations and the private drainage systems has been submitted for review and comment.

#### ADDITIONAL COMMENTS (05/11/13)

Having reviewed the information on your website, it appears that the information relevant to Natural Resources Wales (NRW) comprises of a revised Drainage Statement, (ref: 1421, Rev. C, dated 24/09/13) and a plan titled ' Off-Site surface Water Proposals Layout' (Job No. 1421, Dwg no 301, Rev C, dated June 2013). These documents have been produced by Hammond Yates.

In our previous response, (dated 18 April 2013), we asked that further information be provided regarding surface water drainage. This latest set of information is insufficient to enable us to fully advise your Authority on the acceptability of the drainage system proposed for this development. As this is a full application for a large residential development, which is located in a sensitive area in terms of water quality, we would expect full drainage proposals to be provided and agreed prior to determination.

Surface Water Drainage - A statement is made within Section 3.2 of the drainage report that the use of sustainable drainage techniques (SUDS) will be investigated. We note however that a site investigation report (Integral Geotechnique Report 9833/AF/07) recommends infiltration measures should not be employed due to ground conditions. We would again like to repeat our previous observations that the use of alternative, non infiltration techniques for drainage should be fully investigated and implemented within the

development site itself. There is no evidence to show whether such SUDS techniques have even been considered by the applicant for this proposal.

This section also states that flow control devices are to be used to limit the rate of discharge into the receiving ditch course to 'greenfield' run-off. The calculated Greenfield run-off rates have not been provided, nor have the design standards and drawings for the proposed drainage system. As highlighted in our previous response, this information should be submitted prior to determination. These calculations should include the area of the development to which the drainage system applies and the calculations used to determine the attenuation and maximum discharge rates. This information is requested so that your Authority can be satisfied that the system has been designed to the required standards/storm events and that the run-off rates are appropriate.

The proposed surface water drainage strategy appears to rely on off-site storage ponds to attenuate flows, thereby allowing a greater density of development on site without setting land aside for SUDS within the application site itself. We must assume that the off-site land allocated for attenuation is either within the applicant's ownership or that agreement has been reached with the landowner. This should be clarified within the document.

Furthermore, we would also seek confirmation as to whether this off-site work is part of the existing planning application, or whether it subject to a separate planning application? If it is to be considered as part of this application, we would query whether the planning application 'red line' boundary needs to be amended? In addition we would also seek clarification as to the responsibility for maintenance of these off-site features in perpetuity, as it presumably would not be adopted as part of the development site infrastructure?

Until all relevant information, as detailed above is provided, we are unable to advise your Authority on the acceptability of the surface water drainage system proposed for this development.

Foul Water Drainage - With regard to the foul water drainage proposals, we welcome and support the proposal to discharge to the main public sewer. As indicated in our previous response, confirmation that sufficient hydraulic capacity exists to accept the foul flows should be sought from DCWW.

Furthermore we again acknowledge that negotiations are taking place between Waterman Transport & Development and DCWW to identify an appropriate compensatory surface water removal scheme to enable this development to move forward. Ideally, this scheme should be delivered within the same sewerage catchment (Gowerton) and an agreement should be made prior to determination.

Other - All other comments made in our previous response with regard to water quality, pollution prevention, biodiversity, habitats and protected species still stand.

In consideration of the above, we would again ask that determination of the application is deferred until further information regarding the management of surface water from the development has been submitted for review and comment. Based on the information provided to date we are unable to advise your Authority on the acceptability of the proposals. Should you be unable to defer determination and are minded to approve this application, we would ask to be informed of this decision. We would also ask that we be granted further time in which to provide additional advice and to enable us to provide some planning conditions which we consider must be included on any permission granted.

## FINAL COMMENTS (26/11/13)

Surface Water Drainage - In our response on 5 November 2013, we raised concerns in relation to the off-site storage ponds in that these were located outside of the red line planning boundary. We also queried whether this land was within the applicant's ownership and what, if any measures were in place to ensure this area of land was not subject to future development. We welcome the provision of the revised location plan (Job No. 1421, Dwg No. 101, Rev C), which confirms that the attenuation ponds are within the red line planning boundary. We also note from the UDP extract you have provided, that the land to the south of the proposed development is located within a 'green wedge' area, thereby safeguarding it against future development. We can confirm that this information has addressed our concerns regarding the location of the attenuation ponds.

We have also reviewed the additional information provided, which includes an overall drainage area plan (drawing no. 277), drainage layout sheets (drawing no's 211 & 212) and a plan detailing the attenuation areas (drawing no 203) and a micro-drainage report (dated 22.10.2013). Our comments below are based on this information as well as that previously provided.

We note from drawing no. 277 that the impermeable area to be served by the proposed drainage system has been identified as 1.86 ha. We can confirm that the Greenfield run-off rate of 9.6 l/s, as provided in the micro-drainage report, is considered suitable for use for the 1.86 ha development. This rate of discharge applies for the area served by the drainage scheme. All water which enters the system must be accounted for, and if other green areas drain into this system, then these too must be reflected in any calculations. We can also confirm that a 20% addition for climate change has been used in the calculations for the storage ponds (micro-drainage report ref: Pond calcs\_95536). However, with the exception of the calculations for the ponds, no design standards or calculations have been provided for the remainder of the surface water drainage system. Supporting calculations used to design the whole system should be submitted in writing to your Authority for approval.

As indicated in our previous responses, as this is a full application for a large residential development, we would expect the drainage proposals to be agreed prior to determination. However we note that your Authority's drainage engineers are satisfied that the development will be acceptable subject to the inclusion of appropriate planning conditions.

We would agree with the conditions put forward by your Drainage Engineer, Mr Dan McAuley (sent to us by email on 26 November 2013). If your Authority are minded to approve this application then these conditions must be included to ensure a satisfactory drainage scheme for the site. In particular, we welcome proposed condition 3 which relates to the need for a long term ownership and maintenance of the drainage scheme to ensure the long term operation of the system.

With regard to proposed condition 2, we are satisfied that this will address our comments with regard to the need for further detailed design standards/calculations. In discharging any future planning condition, your Authority must be satisfied that the proposed surface water system includes sufficient storage in line with current guidance.

Foul Water Drainage - Our previous comments in relation to foul water drainage from the site remain. We are also aware that Waterman Transport & Development have submitted 2 drainage reports relating to off-site surface water removal schemes, which it is stated in a covering email by Asbri Planning, have identified sufficient surface water removal to cater for the foul flows generated from this development site. We agree with DCWW that the



most appropriate way forward on this matter is to take these schemes to the Technical Working Group for discussion and approval.

Pollution Prevention - As noted in our response of 18 April 2013, we welcome the intention to produce a construction management plan for the site. This must include a site specific pollution prevention plan and particular care must be given to the protection of the surrounding water environment. If planning permission is granted, we would ask that conditions are included.

We would recommend that the CMP include as a minimum:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks, offices etc
- details of the nature, type and quantity of materials to be imported on to the site
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060

Waste Management - Given the nature and scale of this development, we would recommend that a site waste management plan (SWMP) is produced. Completion of a SWMP will help the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance on SWMPs is available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)). We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such, we would recommend an appropriately worded condition is included on any permission granted. The following condition is suggested, but could be amended as you see fit. Please note that any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. Any waste materials transported off site must be done so by a registered waste carrier and disposed of at an appropriately licensed facility.

Contaminated Land - It is possible that historic uses of the site may have led to contamination. As a precautionary measure, we would recommend that a condition is included.

Ecology/Biodiversity - Our comments made in our response of 18 April 2013 with regard to ecology, habitats, and protected species still stand. We have no further comments to make in this regard.

Japanese knotweed/Invasive Species - If the alien plant species, Japanese knotweed (or any other invasive species) is present on site, appropriate measures must be implemented for the removal or long-term management. The spread of Japanese knotweed is a contravention of the Wildlife and Countryside Act 1981 (as amended) and is also a

controlled waste under the Environmental Protection Act 1990. As such it must be disposed of in an appropriate manner. If not treated properly, Japanese knotweed will continue to grow and spread and can easily compromise the structural integrity of all hardstanding areas and built structures of the development.

### **Dwr Cymru / Welsh Water (DCWW)**

Initial Comments – Sewerage – conditions – The proposed development would overload the existing public sewerage system downstream of the proposed development. Currently we have no improvements planned as part of our Capital Investment Programme. As a result we consider any development prior to improvements being undertaken to be premature and therefore we would recommend you resist and refuse the proposed development. It may, however be possible for the developer to fund the accelerate provision of replacement infrastructure or to requisition a new sewer under Section 98-101 of the Water Industry Act 1991. Reason: To prevent hydraulic overloading to the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Our concerns may be overcome by undertaking works consistent with one of the fundamental principles of the Memorandum of Understanding (MoU) between all signatories including the City & County of Swansea and Dwr Cymru / Welsh Water, i.e. by providing compensation on the foul flows from the development by the removal of surface water which currently enters the combined sewer network. Any such compensation would preferably be located within the catchment of the combined storm overflow (CSO) downstream of Cae Duke, namely the Rhosog Pumping Station CSO. Alternatively, any compensation scheme may be located within the wider Gowerton Catchment area. It should be noted that the applicant has sought to address the issues arising from the MoU through early engagement with us, however, as this issue is still outstanding we have no option but to object at this time.

Additional Comments – I am mindful of your proposed 'Grampion' condition to secure a scheme to be delivered and surface water removed prior to occupation.

### **Coal Authority**

The Coal Authority considers that the content and conclusions of the Site Investigation Report are sufficient for the purposes of the planning system and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development,

### **Glamorgan Gwent Archaeological Trust**

You will recall that following an archaeological evaluation of the application area by Cambria Archaeology in 2007 and the submission of an updated Archaeological Desk Based Assessment by the Dyfed Archaeological Trust (report number 2012/79) in 2012 in support of the proposed development at Cae Duke we had no objection to the positive determination of this application provided a condition be attached to any consent granted. We therefore recommend that a condition requiring the applicant submit a detailed programme of investigation for the archaeological resource should be attached to any consent that is granted by your Members. We envisage that this programme of work would take the form of a watching brief during the initial topsoil stripping/ground work required for the development, and the recording of the features named in the assessment, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated, recorded and a report containing the results and analysis of the work is produced.

## **Highway Observations**

This proposal is for the erection of up to 106 dwellings on land adjacent to Cae Duke. A previous application (2007/2097) for 209 dwellings and a sports barn was withdrawn prior to determination. This development site is one of 3 allocated sites along Loughor Road / Glebe Road and recently consent was granted for 86 dwellings off Loughor Road opposite the Belgrave Road junction. In considering any of the three allocated sites, the cumulative traffic impact needs to be considered and this aspect has been covered.

Access and Traffic - The site is to be accessed from a new mini roundabout located between the existing Cae Duke and Highfield accesses. The proposed mini roundabout will address highway safety concerns associated with excessive speed at that location. The recent development opposite the Belgrave Road junction considered the combined affect of the then Cae Duke development for 209 Dwellings and the sports barn and concluded that the impact on Loughor Road and its junctions with Belgrave Road and West Street was acceptable, with both junctions continuing to operate within theoretical capacity. This current proposal is predicted to generate 60 two-way movements in the am peak and 68 two-way movements in the pm peak. The predictions are based on nationally held data for residential developments. Sensitivity testing has been undertaken, using artificially high trip rates derived from the existing Cae Duke estate adjacent to this site. The sensitivity test has considered up to 145 two-way movements in the pm peak and the network is shown to be able to accommodate that artificially high traffic generation. It should be noted that the previous proposal for 209 dwellings with a sports barn was predicted to generate far higher traffic volumes and testing for that including the Loughor Road development of 86 dwellings indicated that junctions along Loughor Road would continue to operate within capacity.

Accessibility - There is a two hourly service past the site which currently enters Highfield and circumnavigates along Belgrave Road. To the west of the site at Bryn Road approximately 450m away, there is a 20 min frequency service and a 10 - 15 min frequency service east of the site at West Street which is over 700m away. Welsh Government guidance recommends that the walking distance to bus facilities in an urban environment should be between 300m and 500m. The service currently serving Highfield is too infrequent to be considered suitable and therefore the next nearest service is on Bryn Road and is within the recommended maximum of 500m. Footways are present along Loughor Road and provide for pedestrian movements in the locality. Additionally, footways will be provided within the site layout and there is a proposal to connect the site southward towards Waun Road where there is a footpath and bridleway. This will improve the accessibility of the site and allow for both pedestrian and possibly cycle movements to enable connection to NCN Route 4, The Wales Coastal Path and LC37 footpath together with LC38 Bridleway all of which are south of the site. The details of the actual connection would be subject to further detailed design to ensure safety. Local facilities are available in Gorseinon. Walking distance is approximately 1.3Km to Gorseinon Cross and this is approaching the maximum recommended walking distance to facilities of 1.5Km for urban areas.

Highway Safety - As previously recommended and conditioned with the Loughor Road development, the site will need to contribute to a package of measures identified under the safe routes in the community scheme (£73,882). This includes for crossing facilities on Loughor Road together with traffic management and general safety improvements in the area with a related scheme to provide a school drop off facility for Pontybrenin school. The latter would be subject to separate planning consent. All three allocated sites in this area will be required to contribute to the works on a pro-rata basis.

Local Concerns - A number of local concerns have been raised relating to traffic and road safety issues which are addressed below;

- Traffic Volume - Traffic levels on Loughor Road are commensurate with its function providing the main access route from Loughor to Kingsbridge and onwards. Peak hour volume, as with any local distributor road, does result in some localised congestion. The additional traffic movements associated with the development have been assessed and results indicate that the additional traffic will not add significantly to current flows.
- Congestion at Pontybrenin School - This issue is recognised and this development, as with others in the locality, is required to contribute to a scheme to provide a school drop-off facility. This will help to reduce school time congestion along that part of Loughor Road.
- No pedestrian flows in traffic survey - Traffic surveys normally concentrate on vehicle movements as that is what causes congestion. Pedestrian movement is catered for with footway provision in the area and is unlikely to be of such a volume as to present any issues.
- Additional access onto Loughor Road - The site access will be positioned sufficiently distant from both Highfield and Cae Duke so as not to present any proximity issues. Additionally, the inclusion of a mini roundabout at the access will help to reduce speed and increase safety. Testing indicates that no congestion issues will occur as a result of the access.
- Lack of Public Transport and Cycle facilities - This is addressed in the report with distances to current public transport provision and additional cycle/footpath links to the wider network.
- UDP allocated sites not included within assessment - All relevant UDP sites have been assessed with the previous submission and also with the nearby Loughor Road scheme. Additionally, the third UDP site is currently being considered and this also includes cumulative traffic impact. It is considered that further duplication of this is not necessary on this occasion.
- Lack of accessibility leading to traffic congestion - The accessibility of the site has been addressed in the report. Additionally, traffic volume issues have been assessed as acceptable and are also included in this report.
- Additional development of remaining land would have unacceptable impact - Any further development would need to be assessed on its merits. Developers will often include possible future links to adjacent undeveloped land.
- Construction site congestion – a condition will be added requiring a construction site management plan to be submitted and approved in the interests of highway safety.

Highway Conclusions - The traffic impact of the development has been formally assessed and is considered to be acceptable. Contribution towards safer routes in the communities will be required and the provision of a mini roundabout at the access will potentially improve safety along that part of Loughor Road.

Highway Recommendation - I recommend that no highway objections are raised subject to the following;

- i. Prior to any works commencing on site, a contribution shall be made towards a scheme for local highway safety enhancements.
- ii. Prior to any works commencing on site the proposed mini roundabout detail shall be submitted and approved. The approved details shall be implemented prior to beneficial occupation of any dwelling within the site. Note the off site highway works will be subject to an agreement under Section 278 of the Highways Act 1980.
- iii. A pedestrian/cycle path shall be constructed linking the application site to the Footpath/Bridleway (LC37/LC38) in accordance with details to be submitted and agreed.
- iv. The applicant shall submit a detailed Travel Plan for approval within 12 months of consent and the Travel Plan shall be implemented prior to the beneficial use of the development commencing.
- v. Prior to any works commencing on site, a construction management plan shall be submitted for approval. The development shall be carried out in accordance with the approved construction management plan.

### **Drainage Observations**

Initially, concerns were raised with regard to the proposed drainage of the site and the use of an attenuation tank. However following negotiations and amendments to the plans showing attenuation ponds instead of tanks, the Drainage Officer has comments that having reviewed the additional information submitted by Hammonds Yates via emails dated 11<sup>th</sup>, 15<sup>th</sup> and 18<sup>th</sup> November we find the details contained therein acceptable, therefore we recommend that conditions are appended to any permissions given.

### **Pollution Control Observations**

No objection subject to conditions

### **Education Observations**

The Schools in the catchment area for the site are:

English Medium Primary - Pontybrenin Primary

English Medium Secondary - Penyrheol Comprehensive

Welsh Medium Primary - YGG Pontybrenin

Welsh Medium Secondary - Ysgol Gyfun Gwyr .

At present there is spare capacity at all the 4 schools (2 Welsh & 2 English) for 2012 and 2013. With regard to future capacity (2019) both of the English schools have capacity.

As such it is not necessary to ask for contributions for the English schools. The projected capacities suggests that there will be a deficiency in Welsh school places. The S106 contribution for the welsh school places therefore would equate to: £44,288 for primary (£10,372 x 4.27) £47,544 for secondary (£15, 848 x 3) = Total £91,832

### **Housing Enabling Observations**

I can confirm that there is a demand for affordable housing in the Loughor Area. The proposal includes 30 units representing 28% provision across the site. It will comprise of 20 low cost ownership units and 10 DQR social rented units which will be pepper-potted across the site which is considered to be integrated enough within the site to satisfy our requirements. This is acceptable to the Housing Service.

### **Arboricultural Observations**

Initial Comments - Insufficient information is provided within the submitted arboricultural report. Please can all details be provided to the British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. This must include: Full tree survey data; Accurate and scalable Tree Constraints Plan clearly showing the above ground constraints and below ground constraints of the trees on or adjacent to the site that are affected by the development including the trees around the reed beds and drainage area; Detailed Arboricultural Impact Assessment; Accurate and scalable plan showing the proposed design clearly overlaid onto the Tree Constraints Plan; Scalable and clear Tree Protection Plan/method statement.

Additional Comments - A tree survey report written by Treescene Ltd dated 17<sup>th</sup> October 2013 has been submitted. This report provides details regarding the quality, condition and constraints of the trees and hedgerows on this site. Also an Arboricultural Impact Assessment (AIA) and Tree Protection Plan written again by Treescene dated 25<sup>th</sup> October has been submitted. Overall this proposal provides adequate space for many of the retained trees and hedgerows on this site. Some trees and hedgerows as identified within the Treescene AIA have been highlighted to be removed. Further to this some branch pruning work will be required to many of the boundary trees/hedgerows on this site. Overall the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informative.

### **Ecology Observations**

The site has features that are of ecological value several of these will be lost as the site is developed. As part mitigation for this loss please could a condition be added to any permission we give ensuring the retention of the southern hedge row, the hedge buffer zone and badger proof fence to the west of the site, the open space and the area containing the attenuation ponds and reed bed. The recommendations in section 5 of the ecological report should be followed

### **APPRAISAL**

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Will Evans to assess the impact of the development on existing dwellings and to assess the impact of the new access road.

Full planning permission is sought for the construction of 106 residential units and associated works, including a new access spine road, public open space, recreational space, surface water attenuation ponds and reed bed, and public footpath linking onto Waun Road

### **Site and Surroundings**

The application site is located to the South of Loughor Road, on the fringes of the existing urban area, between Kingsbridge and Lower Loughor, and is sited approximately 1.4km to the south of the nearest urban centre of Gorseinon District Centre. The site boundaries are defined by the highway of Loughor Road to the north (approx 100m in length), the residential estate of Highfield to the east, the residential estate of Heritage Park, field hedgerow boundaries to agricultural fields to the south and west, within part of the site adjoining Waun Road to the west.

To the north of the site is Loughor Road which has a variety of traditional and more recent housing forms including wide fronted rendered cottages directly opposite the site entrance. There are expansive views to the south over the shallow Afon Lliw Valley to Craig

Cefngolau. The site is highly prominent from the south and forms a green edge to the settlement when viewed from the A484.

The site does not include the land known as the former Cae Duke Colliery site which separates the application site from the southern boundary of houses in Heritage Park.

The irregular shaped site comprises approximately 4.07 hectares of land, currently characterised by a mixture of improved and semi-improved pasture land used for grazing horses and cattle, with areas of gorse, scrub woodland, and mature hedgerows and trees.

The majority of the site is allocated as a housing site under Policy HC1 (104) of the City & County of Swansea Unitary Development Plan 2008 (UDP).

The northern section of the site, however, is allocated as 'greenspace' under Policy EV24 of the Unitary Development Plan 2008.

### **The Proposal**

The application consists of 106 residential units with the following dwelling mix:

- 13no. five bedroom houses
- 49no. four bedroom houses
- 26no. three bedroom houses
- 12no. two bedroom houses
- 6no. one bedroom flats

Thirty dwellings are proposed to be 'affordable housing' which equates to 28% provision across the site. It will comprise of 20 low cost ownership houses (12no. three bedroom houses and 8no. two bed houses) and 10 DQR (Development Quality Requirement) social rented units (4no. two bedroom houses and 6no. one bedroom flats).

Car parking is provided in the layout in various ways including private drives, garages and small parking courts.

A new access road and mini roundabout is proposed from Loughor Road, opposite No. 188 Loughor Road. It is proposed that the new access road will be offered for adoption by the Local Highway Authority (via a Section 38 agreement).

An area of open space of approx 0.8ha is proposed adjacent to the Loughor Road frontage and it is intended that much of the existing hedge boundary to Loughor Road will be retained. A local area of play (LAP) of approx 148sq.m is proposed within the site adjacent to plots 13-14 which is a facility intended to be equipped with play facilities and will provide a small area of unsupervised open space specifically designed for young children for play close to where they live. These open spaces are proposed to be managed and maintained by a private management company.

A new public footpath is proposed linking the application site to Waun Road, including a new footpath adjacent to the southern hedge boundary

Two surface water attenuation ponds and reed bed would be located to the south of the development site within the 'green wedge' area. The future maintenance of the ponds is also proposed to be managed by a private management company.

No TPO trees are to be removed as part of the application, however part of the existing hedgerow adjacent to Loughor Road and the raised hedgerow within the site would need to be removed to accommodate the new access road. Three non-protected hedgerows within the site and 5 non-TPO trees would be removed. The hedge forming the eastern and southern boundary would be retained.

An Environmental Statement (ES) was submitted voluntarily by the applicant in association with the application.

## **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of residential development at this greenfield site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impact of the development on access, parking, highway safety and impacts upon environmental interests having regard to the provisions of the policies of the City and County of Swansea Unitary Development Plan 2008 (UDP) listed within the previous pages. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

## **Principle of Development**

The site forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (104) 'Land South of the Former Cae Duke Colliery, Loughor Road' where the potential for 212 homes is indicated. This site represents approximately 4ha of the wider allocation and with 106 homes within the red line, it has a density of approximately 26 homes per hectare.

It is allocated within the Greater North West Swansea housing policy zone. The amplification to the policy confirms that it is not necessary to phase the release of greenfield land given the relatively low levels of release proposed. These greenfield sites (including this site) are all within this housing policy zone where there would otherwise be a housing land shortage due to the lack of available alternative sites within existing settlements. Having regard to Policy HC1, the principle of residential development on this greenfield site is acceptable in accordance with the UDP housing strategy.

It is noted however that the scheme does not include the whole of the housing allocation site HC1 (104) as it excludes the land to the north and east of the allocation. However it is noted that within the proposed layout, provision is made for future access to this land.

The main access road to the site will be within an area of 'greenspace' as defined under Policy EV24. The historic designation of this land was to prevent the coalescence of Kingsbridge and Loughor. However, the housing allocation which is subject to this application has no other vehicular access point. It is noted that the land in question is in private ownership and at present is not accessible or able to be used by the general public. The land is not of high landscape quality and is screened from view by a large hedge adjacent to Loughor Road. The new road will bisect the land, with much of the hedge row fronting Loughor Road remaining. The land would be open space and would provide access to the general public thus making it more accessible for informal recreational uses.

The introduction of a new access road through the space would allow a central access and a 'gateway' landscape for the new estate. An avenue of trees is proposed along the new access road which would enable the introduction of a stronger landscape structure which



would create two distinct green recreational spaces. The existing hedgerows along the northern, eastern and southern boundaries would be predominantly retained and repaired with new infill planting.

Policy EV24 states that within the greenspace system, the environment will be conserved and enhanced, and those development proposals which would be likely to have a significant adverse effect on the greenspace system or which do not provide appropriate compensatory or mitigation measures will not be permitted. It is considered that the new access road would not have a significant adverse effect on the greenspace system due to the compensatory and mitigation proposals for new planting and the opening up of the land for public access and use. As such the location of the new access road is considered to be acceptable when considered under the provisions of Policy EV24 in this instance.

### **Previous related planning history and legal agreement**

Outline planning permission was granted in 1994 for the original residential development at Cae Duke (now built out as the residential estate at Heritage Park), and this was subject to a legal agreement requiring inter alia the following:-

- 1) a small area for playing fields immediately to the south of the houses with access off the estate road from Heritage Park. (This area is outside the boundary of the current planning application),
- 2) the retention of an area of open space to the east and south east of the development for open space, recreational or agricultural use (this land lies between the current residential estates of Heritage Park and Highfield where the new access road is proposed),
- 3) the creation of a woodland boundary between the above protected open space and the eastern boundary of the new housing development at Heritage Park. (This woodland boundary has been planted out and is outside the current application site).

These elements of the legal agreement were required to be completed before completion of 75% of the houses in the Heritage Park development. However, whilst planning permission was granted in 1997 for the playing fields, this was not implemented. Reserved matters details for 88 houses at Heritage Park were granted approval in February 1988 (ref. 98/0032). A unilateral undertaking was entered into by the owner of the land to pay monies towards other recreational facilities in the area in lieu of provision of the playing fields.

It is noted, however, that the legal agreement in respect of the open space and woodland in the north eastern section of the current application site is still in effect, and the relevant clauses of that legal agreement are proposed to be varied within the Section 106 Agreement in association with this planning application.

### **Visual Amenity and Urban Design**

The site is located to the south of Loughor Road between the settlements of Kingsbridge and Loughor. The development proposes a new roundabout on Loughor Road with a new access road running through the open space (as referred to above) in a southward direction to the new housing estate. The first line of the housing estate would be located to the south of the existing raised hedgerow which is to be retained.

The proposed street layout within the site is considered to be well defined as the street structure is legible with a clear 'spine' street and secondary streets off this. The proposed streets would be directly overlooked by housing frontages with special designed houses to

turn the corners. The front gardens would be defined and softened by hedges which gives a strong sense of enclosure reminiscent of traditional Welsh settlements whilst maximising the natural surveillance of the public realm. The side and rear boundaries treatment are proposed to generally be brick in order provide a robust good quality boundary treatment. There are some instances where additional brick walls are required which can be controlled by condition.

The adjoining area to the north is also allocated for housing development under policy HC1 (104). The proposed layout of the application site indicates two street connections to the adjoining land, however the adjoining land is at a higher level and the layout plan indicates a 2.5m crib lock retaining wall where one of the street connections would be made. Therefore it will be important to condition the final levels of the streets and houses on the application site to ensure that the future connections can be made.

The southern part of the layout would be outward facing with the frontages of the houses including front doors facing the countryside. This is a welcome orientation given that all recent developments have backed onto the countryside and as a result many of the views to existing developments are currently dominated by rear fences. The outward facing arrangement facing south across the Afon Lliw Valley also includes a pedestrian footpath and a new hedge along the site boundary which links to Waun Road. This ensures that the scheme achieves a positive relationship to the countryside and that the expansive rural views are available for all to enjoy as part of the public realm.

The Design and Access Statement indicates that the existing overhead power line across the site will be relocated underground which will improve the visual appearance of the locality.

The proposed layout aims to accommodate parked cars without allowing them to dominate the living environment. To this end a variety of parking solutions are proposed which varies depending on the context:

- The majority of parking provision is on plot to the side of dwellings (many dwellings benefit from garages) where it is convenient for users and not visually prominent.
- In some less sensitive locations, the parking provision is located to the front of the houses served and is softened by planting.

A range of dwelling sizes are proposed from 1 bed flats up to 5 bed homes which forms the basis for interesting street-scenes and helps establish a balanced community. The houses are proposed to be predominantly two stories with pitched roofs, although some would also have rooms in the roof areas to create focal buildings at key points. A number of the proposed houses are to be enlivened by gable two storey features and single storey bays. The proposed materials include red and buff bricks and ivory render with grey tiled roofs – all of which respond to the character of the area and would create an interesting streetscene. There is no strong architectural character to this locality and it is considered that the proposal represents a distinctive sense of place.

The development of a part of this wider allocated site is welcomed. The proposed layout is legible, the homes have a positive relationship to the street and the outward facing homes along the southern boundary are especially notable. Two areas of public open space would be created and house designs would be distinctive thereby adding character to the area

As such it is considered that the proposed design and layout of the estate is acceptable and complies with the provisions of Policy EV1 and EV2 of the UDP.

## **Residential Amenity**

With regard to the amenity of existing residents in Heritage Park and Highfield, the existing properties that would be closest to the proposed development are Nos. 19 and 23 Ffordd Cae Duke, Heritage Park and Nos. 16 – 40 Highfield.

To the rear of 19 Ffordd Cae Duke would be a single storey triple garage (serving plots 1 and 2) which would be set over 20m from the rear elevation of No. 19 and at a significantly lower level. To the rear of 23 Ffordd Cae Duke would be the rear gardens of Plots 1 and 7, which would be over 20m from the rear elevation of No 23 and again would be at a significantly lower level. As such in terms of overbearance, overlooking and overshadowing, neither of the properties in Ffordd Cae Duke would be adversely affected due to the sufficient separation distances and lower land levels. As such the application is considered to be acceptable in this regard.

With regard to houses in Highfield, the closest dwelling would be No 16 Highfield which would be located 22m from the side elevation of the nearest proposed house fronting onto the open space, and the distance gradually increases up to No 40 Highfield which would be located 31m from the proposed house to its rear.

All of the proposed houses within the new development would be located in excess of the minimum 21m standard in relation to all the existing dwellings in Highfield and Ffordd Cae Duke.

As such it is considered that there would be no adverse impacts upon the residential amenity of the surrounding existing dwellings with regard to overbearance, overlooking and overshadowing impacts.

No. 118 Loughor Road is located adjacent to the proposed mini-roundabout and opposite the proposed new access road. Whilst it is acknowledged that the proposed development may result in additional noise and disturbance from the new access, this is unlikely to be significant given the relatively high existing background noise levels already arising from traffic using Loughor Road.

In terms of the residential amenities of the future occupiers of the development, the site layout has been amended to ensure a minimum separation distance of 21m from rear to rear elevations of all the dwellings. In addition the vast majority of the proposed plots would have rear gardens of a length of 10m. On this basis, it is considered that the proposed layout would not give rise to any harmful impacts on the residential amenities of the future occupiers.

Having regard to the above, it is considered that the proposed development would not result in any significant impacts on the amenities of existing residents in Heritage Park, Highfield and Loughor Road and would not raise adverse impacts in respect of the residential amenities of the proposed development. The proposal would therefore be in accordance with Policy EV1 of the UDP.

## **Highways Impacts**

Vehicular access would be derived from a new access road and mini roundabout from Loughor Road. The new access road would have footpaths on both sides which would run

the entire length of the new road within the estate. A new foot path is proposed along the southern boundary of the site which will connect to Waun Road.

A previous application (2007/2097) for 209 dwellings and a sports barn was withdrawn prior to determination. This development site is one of 3 allocated sites along Loughor Road / Glebe Road and recently consent was granted for 86 dwellings off Loughor Road opposite the Belgrave Road junction. In considering any of the three allocated sites, the cumulative traffic impact needs to be considered and this aspect has been addressed.

Access and Traffic - The site is to be accessed from a new mini roundabout located between the existing Cae Duke and Highfield accesses. The proposed mini roundabout will address highway safety concerns associated with excessive speed at that location. The recent development opposite the Belgrave Road junction considered the combined affect of the then Cae Duke development for 209 dwellings and the sports barn and concluded that the impact on Loughor Road and its junctions with Belgrave Road and West Street was acceptable, with both junctions continuing to operate within theoretical capacity. This current proposal is predicted to generate 60 two-way movements in the am peak and 68 two-way movements in the pm peak. The predictions are based on nationally held data for residential developments. Sensitivity testing has been undertaken, using artificially high trip rates derived from the existing Cae Duke estate adjacent to this site. The sensitivity test has considered up to 145 two-way movements in the pm peak and the network is shown to be able to accommodate that artificially high traffic generation. It should be noted that the previous proposal for 209 dwellings with a sports barn was predicted to generate far higher traffic volumes and testing for that including the Loughor Road development of 86 dwellings indicated that junctions along Loughor Road would continue to operate within capacity.

Accessibility - There is a two hourly service past the site which currently enters Highfield and circumnavigates along Belgrave Road. To the west of the site at Bryn Road approximately 450m away, there is a 20 min frequency service and a 10 - 15 min frequency service east of the site at West Street which is over 700m away. Welsh Government guidance recommends that the walking distance to bus facilities in an urban environment should be between 300m and 500m. The service currently serving Highfield is too infrequent to be considered suitable and therefore the next nearest service is on Bryn Road and is within the recommended maximum of 500m. Footways are present along Loughor Road and provide for pedestrian movements in the locality. Additionally, footways will be provided within the site layout and there is a proposal to connect the site southward towards Waun Road where there is a footpath and bridleway. This will improve the accessibility of the site and allow for both pedestrian and possibly cycle movements to enable connection to NCN Route 4, The Wales Coastal Path and LC37 footpath together with LC38 Bridleway all of which are south of the site. The details of the actual connection would be subject to further detailed design to ensure safety. Local facilities are available in Gorseinon. Walking distance is approximately 1.3Km to Gorseinon Cross and this is approaching the maximum recommended walking distance to facilities of 1.5Km for urban areas.

Highway Safety - As previously recommended and conditioned with the Loughor Road development, the site will need to contribute to a package of measures identified under the safe routes in the community scheme (£73,882). This includes for crossing facilities on Loughor Road together with traffic management and general safety improvements in the area with a related scheme to provide a school drop off facility for Pontybrenin School. The latter would be subject to separate planning consent. All three allocated sites in this area will be required to contribute to the works on a pro-rata basis.

Local Concerns - A number of local concerns have been raised relating to traffic and road safety issues which are addressed below;

- Traffic Volume - Traffic levels on Loughor Road are commensurate with its function providing the main access route from Loughor to Kingsbridge and onwards. Peak hour volume, as with any local distributor road, does result in some localised congestion. The additional traffic movements associated with the development have been assessed and results indicate that the additional traffic will not add significantly to current flows.
- Congestion at Pontybrenin School - This issue is recognised and this development, as with others in the locality, is required to contribute to a scheme to provide a school drop-off facility. This will help to reduce school time congestion along that part of Loughor Road.
- No pedestrian flows in traffic survey - Traffic surveys normally concentrate on vehicle movements as that is what causes congestion. Pedestrian movement is catered for with footway provision in the area and is unlikely to be of such a volume as to present any issues.
- Additional access onto Loughor Road - The site access will be positioned sufficiently distant from both Highfield and Cae Duke so as not to present any proximity issues. Additionally, the inclusion of a mini roundabout at the access will help to reduce speed and increase safety. Testing indicates that no congestion issues will occur as a result of the access.
- Lack of Public Transport and Cycle facilities - This is addressed in the report with distances to current public transport provision and additional cycle/footpath links to the wider network.
- UDP allocated sites not included within assessment - All relevant UDP sites have been assessed with the previous submission and also with the nearby Loughor Road scheme. Additionally, the third UDP site is currently being considered and this also includes cumulative traffic impact. It is considered that further duplication of this is not necessary on this occasion.
- Lack of accessibility leading to traffic congestion - The accessibility of the site has been addressed in the report. Additionally, traffic volume issues have been assessed as acceptable and are also included in this report.
- Additional development of remaining land would have unacceptable impact - Any further development would need to be assessed on its merits. Developers will often include possible future links to adjacent undeveloped land.
- Construction site traffic / congestion – a condition will be added requiring a construction site management plan to be submitted and approved in the interests of highway safety.

Highway Conclusions - The traffic impact of the development has been formally assessed and is considered to be acceptable. Contribution towards safer routes in the communities will be required and the provision of a mini roundabout at the access will potentially improve safety along that part of Loughor Road.

Highway Recommendation – The Head of Transportation and Engineering recommends that no highway objections are raised subject to the following;

- i. Prior to any works commencing on site, a contribution shall be made towards a scheme for local highway safety enhancements.
- ii. Prior to any works commencing on site the proposed mini roundabout detail shall be submitted and approved. The approved details shall be implemented prior to beneficial occupation of any dwelling within the site. Note the off site highway works will be subject to an agreement under Section 278 of the Highways Act 1980.
- iii. A pedestrian/cycle path shall be constructed linking the application site to the Footpath/Bridleway (LC37/LC38) in accordance with details to be submitted and agreed.
- iv. The applicant shall submit a detailed Travel Plan for approval within 12 months of consent and the Travel Plan shall be implemented prior to the beneficial use of the development commencing.
- v. Prior to any works commencing on site, a construction management plan shall be submitted for approval. The development shall be carried out in accordance with the approved construction management plan.

In the light of the above, the proposal is considered to be acceptable and in accordance with the provisions of Policies AS1, AS2, AS6 and EV3 of the UDP

### **Affordable Housing**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in around Swansea and underpins the Council's Housing Strategy. The affordable housing provisions has been subject to negotiations which has resulted in a total of 30 affordable housing units being agreed, comprising of 20 low cost home ownership units and 10 social rented units. These units have been identified on the submitted plans and have been sited throughout the site. The provision of the agreed level of affordable housing can be secured by a S106 planning obligation.

### **Education**

The Director of Education has requested a financial contribution for local the following schools within the catchment of the application site:

English Medium Primary - Pontybrenin Primary  
English Medium Secondary - Penyrheol Comprehensive  
Welsh Medium Primary - YGG Pontybrenin  
Welsh Medium Secondary - Ysgol Gyfun Gwyr .

At present there is spare capacity at all the 4 schools (2 Welsh & 2 English) for 2012 and 2013. With regard to future capacity (2019) both of the English schools have capacity. As such it is not necessary to ask for contributions for the English schools. The projected capacities suggest that there will be a deficiency in Welsh school places. The S106 contribution for the welsh school places therefore would equate to: £44,288 for primary (£10,372 x 4.27) £47,544 for secondary (£15, 848 x 3) = Total £91,832

## **Open Space / Play Space Provision**

UDP Policy HC24 (Play Areas / Public Open Space) requires new housing developments where the level and nature of open space provision in the locality is inadequate, to: make provision for open space within or near to the development or: to contribute towards the provision or improvement of existing off-site facilities.

An appropriate area of open space is to be maintained at the north of the application site adjacent to Loughor Road, as previously referred to earlier in this report. At present this area is not accessible to the public; however the inclusion of this space for public access / informal recreation is acceptable in terms of providing open space in relation to this application.

In addition a Local Area of Plan (LAP) of approx 148sq.m is proposed within the site adjacent to plots 13-14 which is a facility intended to be equipped with play facilities and will provide a small area of unsupervised open space specifically designed for young children for play close to where they live. These open spaces are proposed to be managed and maintained by a private management company.

The provision of the 2 areas of open space within the application site is considered to be acceptable and complies with the provisions of Policy HC24 of the UDP.

## **Ecological Issues**

The applicant has submitted an extended Phase 1 Habitat Survey which highlights that the trees and hedgerows have an intrinsic interest in a local context and are likely to function as important sources of shelter and corridors for both bats and birds. The grassland area was considered to have a low intrinsic ecological interest.

The Council's Ecologist has confirmed that the loss of a number of the hedgerows within the site is acceptable as long as measures are taken to mitigation for this loss. As such it is considered appropriate to recommend conditions ensuring the retention of the southern hedge row, the hedge buffer zone and the provision of a badger proof fence to the west of the site, and the open space and the area containing the attenuation ponds and reed bed. The recommendations in section 5 of the ecological report should be followed.

## **Trees**

The site contains a number of trees, none of which are subject to Tree Preservation Orders (TPO). A Tree Survey report, an Arboricultural Impact Assessment (AIA) and Tree Protection Plan was submitted which provides details regarding the quality, condition and constraints of the trees and hedgerows on this site. The Council's Tree Officer considers that the details submitted provide adequate space for many of the retained trees and hedgerows on this site. Some trees and hedgerows as identified have been highlighted to be removed and some branch pruning work will be required to many of the boundary trees/hedgerows on this site. It is considered that the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informatives.

## **Coal Mining Issues**

The Coal Authority considers that the content and conclusions of the Site Investigation Report are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe

and stable for the proposed development. As such, the Coal Authority has no objection to the proposed development.

### **Archaeological Issues**

Glamorgan Gwent Archaeological Trust have confirmed that they have no objection to the positive determination of this application provided a condition be attached to any consent granted requiring the applicant submit a detailed programme of investigation for the archaeological resource. The programme of work should take the form of a watching brief during the initial topsoil stripping/ground work required for the development, and the recording of the features named in the assessment, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated, recorded and a report containing the results and analysis of the work is produced.

### **Water Quality Issues**

This application is one of a number of major planning applications that have been held in abeyance since 2009, due to ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor CCW towards all development that drains into CBEEMs, and carried out the following Habitat Regulations Assessment

#### Burry Inlet Habitat Regulations Assessment

##### Introduction

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

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

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

##### Water Quality

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



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

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

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

#### Other Possible Effects on CBEEMS features

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

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitat Regulations. This is in line with the requirements of National Policy Guidance and Policy EV25 of the Unitary Development Plan.

#### **Hydraulic Capacity Issues in Gowerton WwTW Drainage Network**

Whilst the LPA is satisfied that it has addresses the issues relating to the Habitat Regulations on this site, there are still outstanding issues in the Gowerton Waste Water Treatment Works (WwTW) catchment area.

In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a plan of improvements works for Gowerton WwTW catchment area to start in 2020 (AMP7). In the meantime they are prepared to bring forward schemes if developers finance them.

In addition, the Council has kept a register of savings made on brownfield sites and some of these have been completed. The register is required by the Memorandum of Understanding 2011 agreed and signed by the City & County of Swansea, together with its partners Carmarthenshire County Council, Dwr Cymru Welsh Water, and Natural Resources Wales.

#### **Foul Drainage**

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Gowerton WwTW would be the foul connections. It is estimated that the maximum foul flow from this site can easily be

accommodated by potential surface water removal schemes or compensatory water savings already made from other brownfield developments in the area.

Dwr Cymru Welsh Water has not objected to this scheme. Whilst Natural Resources Wales raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the Agency has since agreed to the Council's adopted Habitats Regulation Assessment. The HRA conclusions are based on objective information available through the 2010 Environment Agency's own Review of Consents of Gowerton WwTW.

The current application if approved will be subject to planning conditions controlling drainage, including the use of SUDs, on this basis, there is no known evidence to justify refusal on drainage grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34, and EV35 of the UDP.

### **Land and Surface Water Drainage**

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond and reed bed system at greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. On the basis of the information submitted to date, it is considered that there are no overriding reasons to warrant a refusal of permission on drainage grounds alone.

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and are in accordance with the provisions of Policies EV33, EV34 and EV35 of the UDP.

### **Environmental Sustainability**

The applicant has submitted a pre-assessment document which confirms the dwellings proposed would be capable of achieving Code for Sustainable Homes Level 3 and are capable of achieving 1 credit under ENE 1 (Dwelling Emission Rate). This mandatory sustainability standard may be secured by condition.

### **Other Material Considerations**

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations, the current status of this greenfield site, its acceptability for development and impacts upon schools. The highway access and public safety concerns relating to traffic (including during the course of construction) are considered in the Highways section above. The design and layout considerations have been carefully assessed and amendments have been made to ensure that the design and layout would be acceptable. The impact on trees, local wildlife and ecology has been properly assessed by NRW, the Council's Ecologist and the

Council's Arboricultural Officer and subject to conditions is considered to be satisfactory in this respect.

Concerns have been raised with regard to air quality from car fumes – the site is not located in a specified area of concern with regard to air quality and the Pollution Control Team have raised no objections to this development.

The management of the attenuation ponds, the public open space and the LAP will be secured under the Section 106 Planning Obligation Agreement.

## **Conclusion**

The proposal is for residential development of 106 dwellings on a site allocated for housing in the UDP. The proposal is considered to be acceptable in terms of its impacts on the character and appearance of the area, impacts on residential amenity and impacts on access, parking and highway safety.

The layout and design of the development will create a distinctive development that has had regard to the hedgerows bounding the site and will enable land not previously accessible to the public to be used as open space / informal recreation, and will provide connections to the wider sections of the allocated housing site.

The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues. It is considered that the requirements of DCWW and NRW for compensatory surface water savings in the Gowerton WwTW catchment area can be accommodated for by potential surface water removal scheme or the Council's Register of savings made from brownfield sites within the Gowerton WwTW catchment area

## **RECOMMENDATION**

**That planning permission be GRANTED subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- **30 units of affordable housing on the site;**
- **an education contribution of £91,832,**
- **a highways contribution of £73,882;**
- **management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the local area of play (LAP);**
- **the variation of the original S106 in respect of the open space and woodland in the north eastern section of the site.**

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 Prior to the beneficial occupation of the development hereby approved either,  
a) a surface water removal strategy delivering sufficient compensation for the

foul flows from the development shall have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, or,

b) Works to upgrade the sewage infrastructure at Gowerton WwTW have been implemented in full and written confirmation of this has been issued by the Local Planning Authority.

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

- 3 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

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

- 4 Surface water from the site shall discharge at no greater than 5.85l/s/ha as stated in email dated 18 November 2013 from Hammonds Yates.

Reason: To reduce surface water loading to the watercourse network and reduce surface water flood risk downstream.

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

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

- 6 Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

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

- 7 No development approved by this permission shall be commenced until a construction management plan (CMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the CMP shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any

deficiencies rectified immediately.

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

- 8 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters.

- 9 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved

Reason: To prevent pollution of controlled waters.

- 11 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.

- 12 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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.

14 Land Contamination - Site Characterisation

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

A. a list of potential receptors; B. an assessment of the extent of the contamination; C. an assessment of the potential risks; D. an appraisal of remedial options, and proposal of the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study : ALREADY PROVIDED AS PART OF THE APPLICATION

Phase 2: Detailed Investigation : this shall: A. Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater and in particular further characterisation of the presence of Chromium compounds and of ground gas. B. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Environment Agency in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz: Phase 3: Remediation Strategy

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

15 Imported Soils - Any topsoil [natural or manufactured], or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

16 Imported Aggregates - Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of

its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

- 17 Verification/Validation of Remediation Works. Prior to the occupation of any residential unit, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and the reporting of this to the Local Planning Authority.

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

- 18 Construction Site Management. Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. The CPMP is to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Note: items g - j inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].

Reason: To ensure minimal nuisance impact on local residents/ businesses from

construction activities.

- 19 Prior to any works commencing on site, details of the proposed mini roundabout shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of any dwelling within the site. (Note: the off site highway works will be subject to an agreement under Section 278 of the Highways Act 1980).  
Reason: In the interests of highway safety.
- 20 Prior to the first occupation of the dwellings hereby approved, the pedestrian/cycle path shall be constructed linking the application site to the Footpath/Bridleway (LC37/LC38) and Waun Road in accordance with full details (including profiles) to be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interests of public accessibility by foot and by cycle
- 21 The applicant shall submit a detailed Travel Plan for approval within 12 months of consent and the Travel Plan shall be implemented prior to the beneficial use of the development commencing.  
Reason: In the interests of highway safety
- 22 Prior to the commencement of development on site, full details of a badger proof fence for the western boundary adjacent to plots 39, 41, 42, 43, 44, 45, and 49 as shown on approved plan 1421 100 Rev P Planning Layout received on 4 Oct 2013 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the details thereby approved.  
Reason: To prevent badgers accessing the rear gardens of the development
- 23 The development shall be completed in accordance with the recommendations in section 5 of the approved Ecological Assessment Report by Barry Stewart and Associates received on the 26 February 2013.  
Reason: In the interests of protecting the ecology of the site and surrounding area.
- 24 No development including demolition work shall commence on site until all tree protection measures as that detailed within the submitted tree protection scheme written by Treescene Ltd (Dated 25th October 2013) are in place. No development shall take place except in complete accordance with this tree protection scheme. All protective fencing, ground protection, construction methods etc shall be retained intact and followed for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.  
Reason: To ensure protection of retained trees/hedgerows on site during construction works
- 25 No development including demolition work shall commence on site until all tree protection measures as that detailed within the submitted tree protection scheme written by Treescene Ltd (Dated 25th October 2013) has been implemented, inspected and approved in writing by the Local Planning Authority.



Reason: To ensure protection of retained trees/hedgerows on site during construction works

- 26 No retained trees or hedgerows shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of the trees and hedgerows

- 27 If any retained trees or hedgerows are cut down, uprooted, destroyed or die during the construction phase another tree/hedgerow shall be planted at the same location and that tree/hedgerow shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure the protection of the trees and hedgerows

- 28 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted

Reason: To ensure as far as possible that the landscaping scheme is fully effective

- 29 No retained trees or hedgerows shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective.

- 30 If any retained trees or hedgerows are cut down, uprooted, destroyed or die within 5 years from the date of the occupation of the building for its permitted use then another tree/hedgerow shall be planted at the same location and that tree/hedgerow shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective.

- 31 Prior to the commencement of development on site full details for the following shall be submitted to and approved in writing by the Local Planning Authority :

A. Materials sample panel including all external materials including door and fenestration details;

B. Full details of undergrounding of overhead cables including the location of the end terminal pylons / poles;

C. Full details of the road levels and slab levels for the future roads links and plots 12, 13, 14 and the LAP and plots 25, 26 and 27 and the points where the future

road links meet the boundaries of the site as shown on approved plan 1421 100 Rev P Planning Layout.

D. Full details of all the wall boundaries to: plots 58 and 59 (entire boundary); to the rear of plot 25 connecting to the garage of plot 24; to the side of plot 19 connecting to garage; to the rear of plot 17 abutting parking spaces to apartments; between house 79 and side wall to 81; to the side garden of 12 abutting footway; to the rear of 106 connecting to garage; to the side of 100 connecting to garage; to the southern side of plot 68 and rear of plots 71 and 72, including the boundary to the two car parking spaces for plot 72.

The development shall then be completed in accordance with the details thereby approved unless otherwise agreed in writing by the Local Planning Authority.

E. The Entrance feature.

Reason: In the interests of visual amenity.

- 32 Prior to superstructure works commencing on any dwelling unit hereby approved details of the phasing of the construction of the internal access roads shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 33 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C, D and E of Schedule 2, Part 1 shall not apply

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), other than those enclosures indicated on the approved plans, no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.

- 35 No dwelling unit in the development shall be occupied until the means of enclosure to the respective individual curtilages have been completed in accordance with condition 31 above and approved plans 1421 105 D and 106 D External Works Layout Sheets 1 and 2 received on 4 October 2013, unless otherwise agreed in writing by the Local Planning Authority.

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

- 36 The dwelling(s) shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved

assessment and certification.

Reason: In the interests of sustainability.

- 37 The construction of the dwelling(s) hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

- 38 Prior to the occupation of the dwelling(s) hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

- 39 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.

Reason: To ensure a convenient and safe form of development.

- 40 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking areas hereby approved/illustrated on the submitted plan shall be:

(i) porous or permeable; or

(ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and

(iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason: In the interests of sustainability.

- 41 Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.

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

- 42 The garage(s) indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 43 Prior to the first occupation of the dwellings hereby approved the following

windows shall be obscurely glazed and unopenable except for a fan light and shall be permanently retained in that condition thereafter unless otherwise agreed in writing by the Local Planning Authority: Plots 7, 101 and 103, (Rothbury) first floor bedroom 1 as shown on plan 1421 166 B received 4th October 2013;

Plot 4 (Lincoln) first floor bedroom 1 side window; Plot 106 (Lincoln) first floor bedroom 2 side window and Plot 5 (Lincoln) first floor bedroom 1 rear window as shown on plan 1421 160 B received 4th October 2013

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

- 44 During the course of construction there shall be no vehicular access between the site and Waun Road.

Reason: In the interests of residential amenity and highway safety.

- 45 During the course of construction there shall be no vehicular access between the site and Waun Road.

Reason: In the interests of residential amenity and highway safety.

## **INFORMATIVES**

- 1 The applicant is advised that the development must be carried out in accordance with the approved plans. If, prior to or during the implementation of this permission, any particulars are found to be inaccurate then the Local Planning Authority must be informed and works shall not commence or be continued until the matter has been resolved. Failure to do so could lead to the serving of an enforcement or stop notice.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV4, EV23, EV24, EV30, EV33, EV34, EV35, HC1, HC3, HC17, HC24, AS1, AS2, AS6.
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 4 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 5 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or grey water harvesting from the new buildings, etc.
- 6 The developer is advised to contact Dwr Cymru Welsh Water on Tel. No. 0800 917 2652, e.mail [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com), regarding the adequacy of water supply, and the adequacy of the sewerage system serving this area, to be agreed independently with the Water Authority.

7 Any drains laid must be protected in a way that prevents dirty water from the construction site entering them. Please also note that allowing site drainage to enter the foul sewerage system during the construction phase is unacceptable.

8 [http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW\\_Guide\\_for\\_Developers\\_rev\\_2012.pdf](http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW_Guide_for_Developers_rev_2012.pdf)

Development of Land Affected by Contamination: A Guide for Developers

[http://www.swansea.gov.uk/media/pdf/a/2/Imported\\_Materials\\_Guidance\\_WLGA.pdf](http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf)

Requirements for the Chemical Testing of Imported Materials for Various End Uses

[http://www.swansea.gov.uk/media/pdf/a/2/Imported\\_Materials\\_Guidance\\_WLGA.pdf](http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf)

Requirements for the Chemical Testing of Imported Materials for Various End Uses

9 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

10 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

The Developer must contact the Network Manager City and County of Swansea,

Highways Division, Players Industrial Estate, Clydach, Swansea, SA6 5BJ. Tel 01792 841601 before carrying out any work.

- 11 Note well it is an offence under the Town and Country Planning Act 1990 to:  
  
Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.  
  
Wilful damage to a protected tree includes damage to its surrounding rooting area by: excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.
- 12 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 [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)
- 13 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 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance, work should cease immediately and the advice of the Countryside Council for Wales sought before continuing with any work (01792 634960).
- 14 The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.
- 15 The site of this application is crossed by high voltage overhead electricity lines. Please ensure that you contact Western Power Distribution prior to the commencement of any work within the vicinity of the electricity lines. Western Power Distribution Phoenix Way Llansamlet Swansea SA7 9HW.
- 16 Underground mining operations have been carried out beneath this site and the developer is advised to seek appropriate technical advice in order to decide what precautions if any, need to be taken to reduce the risk of damage from subsidence. If as a consequence of this technical advice, the developer wishes to carry out exploratory works to coal seams or to old coal workings upon this site, then his proposals should be forwarded to the Coal Authority for its written approval, prior to their execution. It is suggested that the developers discuss the proposals with the Authority's Building Control Officers prior to submitting an

application under the Building Regulations.

## **PLANS**

105 Rev A-external works layout Sheet 1, 106 Rev A -external works layout Sheet 2, P1453-site survey, landscape appraisal of green open space, updated archaeological desk-based assessment, ecological assessment, site investigation report, framework residential travel plan, transport assessment, tree survey, tree constraints arboricultural impact assessment, code for sustainable homes pre-assessment received 26th February 2013. Amended Plans No: 100 Rev P -Planning layout,101Rev C-site location plan, 103 Rev D, 104 Rev D, 150 Rev B, 151 Rev A, 152 Rev A, 153 Rev B, 154 Rev B, 155 Rev B, 156 Rev B, 157 Rev A, 158 Rev B, 159 Rev A, 160 Rev B, 161Rev A, 162 Rev A, 163 Rev A, 164 Rev A, 165 Rev A, 166 Rev B,167 Rev A, 168 Rev B, 169 Rev A, 170 Rev A, 172 Rev A, 174 Rev A, 176 Rev B, 177 Rev A, 178 Rev A, 179 Rev B, 180, 181, 182, 183 Rev A,184 Rev A, 105 Rev C- Street Scenes, 108 Rev C-site sections, drainage statement,. Additional plans 185, 186, 187, 188, 189, 301 Rev C, 109 Received 4th October 2013. Amended plan 1421 201 F- engineering layout dated 13th November 2013. Amended plans: 1421 203C-attenuation area dated 20th Nov 2013, 1421 277-overall drainage area, 1421 211-drainage layout sheet1, 1421-212-drainage layout sheet 2, Ponds 1 & 2 CALCS, Greenfield run off CALCS, site investigation report dated 13th November.