

Report of the Head of Economic Regeneration and Planning

Area 1 Development Control Committee – 27 May, 2014

FORMER BERNARD HASTIE AND CO. SITE, MORFA ROAD, SWANSEA – PLANNING APPLICATION NO. 2008/1615

RESIDENTIAL RE-DEVELOPMENT OF SITE TOGETHER WITH NEW ACCESS ROAD, CAR PARKING, LANDSCAPING, INFRASTRUCTURE, RE-PROFILING AND ENGINEERING WORKS (OUTLINE) – AMENDMENT TO SECTION 106 AGREEMENT

BACKGROUND

- 1.0 This application for the proposed residential re-development of the site was reported to the Area 1 Development Control Committee on 9 March, 2010 (report attached as an Appendix) when it was resolved to grant planning permission subject to a Section 106 with the following Heads of Terms:
- i) Construction of proposed section of Morfa Distributor Road within the developable area
 - ii) An Affordable Housing contribution
 - iii) A contribution of £15,000 towards pedestrian improvements in the vicinity of the railway crossing / Maliphant Road tunnel
 - iv) Proposed Archaeological Investigations
- 1.1 The Section 106 has not been completed largely due to the uncertainties of the land required for the Maliphant Rail Depot and the timescale / funding issues for the delivery of the Morfa Distributor Road (MDR). Since then the Maliphant Rail Depot proposals have received planning permission and work is currently progressing which has created certainty over the 'land transfer' for delivering the MDR. Additionally, funding has now become available to the Authority for the phased delivery of the MDR. With regard to the Hasties site itself, the applicant PMG, now has an option agreement with Persimmon Homes to develop the site. The outline proposal reported to Committee in 2010 proposed a development of 136 units, the revised Persimmon layout now proposes a reduced layout of 92 units.
- 1.2 The developer contends that the current agreed Section 106 Heads of Terms render the scheme unviable and have therefore requested that they are re-considered as part of the revised proposal and the application is therefore reported back to Committee for determination.
- 2.0 **The planning application**
- 2.1 The revised proposal seeks outline planning permission for the following development for 66 no. two / three storey houses and 26 apartments. The application is submitted for outline application with matters of layout and access to be determined at this stage. The issues of appearance, scale and landscaping are reserved for future consideration.
- 2.2 The revised layout has also been accompanied by an Environmental Statement Addendum (ESA) and revised Non-Technical Summary reviewing the revised proposal in the context of:

- Alternative considered
- Ecology
- Cultural Heritage
- Air Quality
- Noise
- Highways and Transportation
- Land Quality

The general conclusion of the ESA is that the project refinements do not impact upon the findings of the original ES. This conclusion is accepted. However, following the demolition of all buildings on the site, a review of the previous archaeological report has been undertaken and this is summarised in the archaeological section below.

2.3 The accompanying amended Design and Access Statement indicates that the current economic situation has identified that the original 2008 scheme is no longer viable and the revised layout for 92 dwellings comprises a mixture of design includes 2 storey houses which are typical to the area, some 2.5 storey houses, some 3 storey houses and 3 no. 3 storey feature buildings which will house the proposed flats. The layout will provide a strong street frontage along the proposed MDR as well as providing a central vista through the site, the provision of a strong perimeter block/outer edge to the development, orientating the site towards the river. The site also provides 2 no. public viewing points to maximise the views offered across the river. The proposed development will have a single direct vehicular access off the proposed MDR located at the western end of the development. The layout also provides for pedestrian links onto the proposed MDR to allow residents to obtain pedestrian access to the south of the site linking into Morfa Road and to the proposed footbridge over the railway line.

2.4 The principle of the development at this location has not changed since the Committee resolution in 2010. The redevelopment of this brownfield site is considered to be one of the key development aspirations of the adopted Tawe Riverside Corridor Study (TRCS). Moreover, the proposed development would assist in the delivery of the Morfa Distributor Road which is one of the key aspirations of the TRCS.

3.0 Amended Section 106 Planning Obligations Heads of Terms

3.1 Unitary Development Plan Policy HC17 states in consideration of proposals for development, the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act. Provisions should be fair and reasonably relate in scale and kind to the individual development.

3.2 The Council's adopted Supplementary Planning Guidance (SPG) on Planning Obligations indicates that the use of such Obligations should ensure that the key infrastructure and other enabling requirements are provided in the first instance to allow development to proceed. Moreover, it states "*It may be necessary to determine the relative priority of different forms of provision in the context of the individual circumstances and planning objectives relative to each development proposal. The element of flexibility in the process should ensure that the viability of development schemes is not prejudiced.*"

The SPG further advises that that where a developer contends that the Section 106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs i.e. a development appraisal. The developer has submitted a Development Appraisal in support of the proposal.

3.0 Construction of Morfa Distributor Road

3.1 The agreed Heads of Terms required the developer to construct the proposed section of Morfa Distributor Road within their developable area. However, having regard to the Council's commitment and agreed funding for the delivery of the MDR (Cabinet approved 11 Feb. 2014) the Head of Transportation has agreed with the developer (PMG) that in lieu of the above requirement a financial contribution of £480,000 will be required together with the dedication of land (within PMG's ownership) to deliver the MDR - to be constructed by the Local Authority. The construction of Stage 2 of the MDR will provide a route from the existing park and ride access to the entrance of the PMG's site and is required in order to provide access to the residential development. The site access will therefore join the proposed Distributor Road and all traffic movements will travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road. The dedication of land will be conditional upon the procurement by the Council of a contract for the construction of the Stage 2 works.

4.0 Affordable Housing Obligations

4.1 The Report to the Area 1 Development Control Committee in 2010 acknowledged that the provision of affordable housing was dependant on the scheme viability with the recognition that the road construction was the highest priority. The Head of Housing has previously indicated that a minimum provision of 15% affordable housing should be provided on the site, with the mix of units and tenure to be determined. However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the abnormal costs associated with developing the site. A viability appraisal has now been submitted which indicates that the abnormal costs associated with the development of the site are estimated to cost in excess of £1.4 million. The information has been assessed by a Council Development Surveyor and is considered to demonstrate that at the current time the development cannot support the provision of any affordable housing over the contribution of £480,000 towards the priority given to delivering the MDR.

5.0 Pedestrian improvements to railway crossing / Maliphant Road tunnel

5.1 The approved Heads of Terms require the developer to contribute £15,000 towards pedestrian improvements in the vicinity of the railway crossing. The approved development granted to Network Rail / Hitachi for the Maliphant Rail Depot involves the construction of a new footbridge in order to close the Maliphant Tunnel to vehicular traffic due to their operational requirements. The footbridge will retain pedestrian access with the Maliphant Tunnel retained for pedestrian access only. Whilst the TRCS envisages that the link under the railway line would be for pedestrians and cyclists only and would be enhanced, the transfer of some land to the Council to enable the delivery of the MDR in lieu of the previously agreed contribution has been agreed. Additionally, it is proposed to impose an additional condition to facilitate the provision of a pedestrian link along the southern boundary of the site linking the existing path along the River Tawe to Morfa Road.

6.0 Proposed Archaeological Investigations

7.0

6.1 Glamorgan Gwent Archaeological Trust (GGAT) originally required a full archaeological investigation prior to determination of the application in order to provide an informed recommendation as to the appropriate level of mitigation required. However, the site then was still occupied which caused the developer some operational difficulty in implementing such investigation. Instead it was agreed that as part of the Section 106 Planning Obligation, archaeological investigations would be required prior to commencement of work. Since then all buildings on the site have been demolished and currently a scheme of archaeological investigation (agreed with GGAT) is being carried out to ascertain the precise resource on the site. The requirement to be included in the Sec. 106 is therefore no longer required and any further archaeological work may be secured through appropriate planning conditions.

7.0 Appraisal

7.1 Within the report to Committee in 2010 it was indicated that the scheme viability will be material to the details of the Section 106 Planning Obligation and that priority will be afforded to the construction of the MDR and the investigation of the archaeological resource within the site. The Planning Obligations SPG states where a developer contends that the proposed Section 106 requirements would render scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence. As indicated the developer has submitted a viability appraisal for the site using an industry recognised appraisal model (Three Dragons). The information highlights the significant abnormal costs associated with the development of the site, which are estimated to cost in excess of £1.4m and at the current time the development cannot support any affordable housing if it is to offer a contribution of £480,000 for the construction of the road.

7.2 The SPG also highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect, the site is identified in the Morfa Road Masterplan within the Tawe Riverside Corridor Study as residential which is a key material consideration as it was adopted as policy by the Council in October 2006. The question therefore is whether, in the absence of the provision of affordable housing, the development would be unacceptable in planning terms. In this respect the UDP and associated SPG clearly make provision for developments where abnormal costs would challenge the viability of a development and the applicant has provided satisfactory information to demonstrate that the site can not bear any affordable housing provision in addition to a financial contribution of £480,000. It is considered the development of the site is an aspiration of the TRCS and, therefore, in the balancing exercise, it is considered the proposal would constitute a sustainable development that would be in accordance with development plan policies.

8.0 Conclusion

8.1 The applicant has demonstrated through a viability assessment that the development would not be commercially viable if the previously agreed Section 106 Planning Obligations were required in full.

Notwithstanding this, a contribution of £480,000 has been offered by the developer in lieu of the construction of the section of the Morfa Distributor Road within the developable area. It is therefore recommended that the Head of Terms of the Section 106 Planning Obligation are amended accordingly.

9.0 RECOMMENDATION:

It is recommended that the application be APPROVED, subject to the following conditions and to Committee authorising officers to negotiate with the applicants / developers the applicant entering into a Section 106 Legal Agreement with regard to:

Section 106 Planning Obligation Heads of Terms

- The developer / applicant making a staged financial contribution of £480,000 together with the dedication of land (within the developer / applicant's ownership) to deliver the Morfa Distributor Road - to be constructed by the Local Authority. The dedication of land will be conditional upon the procurement by the Council of a contract for the construction of the Stage 2 works. The site access onto the proposed Distributor Road limiting all traffic movements from the proposed development to travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road.

CONDITIONS

- 1 Approval of the details of the appearance, scale and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

- 5 Before any part of the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 6 Before the development hereby permitted is commenced, details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways 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.
- 7 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.
- 8 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.

Reason: To allow the proper consideration of all details in the interests of highway safety.
- 9 No part of the development shall be occupied until the proposed adoptable roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 10 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme.

Reason: In the interests of sustainability and to reduce reliance on the car as a mode of transport.
- 11 Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

11 Reason: To ensure acceptable living conditions for future residents having regard to the existing and proposed noise environment experienced at the site.

12 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until 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 and vapour related risks, at the proposed site shall be submitted to and approved by the Local Planning Authority. The Phase 1 desktop study should include a Conceptual Method for the initial site investigation which must include a risk assessment relating to the potential affects on groundwater and surface water as a result of the works. Where the site investigation indicates the presence of such contamination, including the presence of relevant gas/vapour, a Method Statement shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified, including measures to minimise the impact on ground and surface waters. The reports shall be submitted individually. The provision of the Phase 2 (Method Statement) detailed report and Phase 3 remediation strategy/validation report will be required only where the contents of the previous [Phase 1 desk top study] report indicates to the Local Planning Authority that the next phase of investigation/ remediation is required.

Reason: To ensure that the site contamination is satisfactorily remediated in the interests of public safety and amenity.

13 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 for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

14 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 15 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- Reason: To protect the water environment. Given the size / complexity and history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- Reason: To protect the water environment.
- 17 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 in accordance with the approved scheme.
- Reason: In the interests of the ecology and amenity of the area.
- 18 No development shall take place until a waste management plan for the control, management, storage and disposal of excavated material has been submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure sustainability principles are adopted during the development.
- 19 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved 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.
- 20 No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
- Reason: To prevent pollution of the water environment.
- 21 No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5 m AOD.
- Reason: To reduce the risk of flooding to the proposed development and future occupants.

22 No development approved by this permission shall be commenced until a Construction Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent pollution.

23 No development shall take place within the area indicated (i.e. the area of archaeological interest) 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 safeguard this area of archaeological interest.

24 The proposed development shall facilitate the provision of a pedestrian link along the southern boundary of the site linking the existing path along the River Tawe to Morfa Road.

Reason: In order to facilitate pedestrian access to the walkway along the River Tawe.

ITEM	APPLICATION NO.	2008/1615
	WARD:	Landore Area 1

Location: Bernard Hastie and Co and adjacent Maliphant Sidings, Morfa Road, Swansea, SA1 2EW

Proposal: Redevelopment of site with construction of up to 52 houses (3 storey) and 84 apartments (5 storey) together with phase 2 Morfa Distributor Road, new access road, car parking, landscaping, infrastructure, re-profiling and engineering works (outline)

Applicant: Guy Hall Partnership and Network Rail

BACKGROUND INFORMATION

This application was DEFERRED FOR A SITE VISIT at the Area 1 Development Control Committee on 16 February 2010 in conjunction with the related application 2008/0919, to assess the individual and cumulative effects of the development on the heritage resource of the area.

a. Relevant Planning Policies

Swansea Unitary Development Plan

Policy EV1 New development shall accord with a defined set of criteria of good design.

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.

Policy EV3 Accessibility criteria for new development.

Policy EV4 Creating a quality public realm

Policy EV5 Provision of public works of art, craft or decorative features to enhance major new development will be supported.

Policy EV6 Ancient Monuments and Protection of Archaeological Sites

Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.

Policy EV35 Surface water run-off

Policy EV36 New development within flood risk areas will only be permitted where flooding consequences are acceptable.

Policy EV38 Development proposals on contaminated land will not be permitted unless it can be demonstrated that measures can be taken to overcome damage to life, health and controlled waters.

- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity because of significant levels of air, noise or light pollution.
- Policy EC3 Improvement and enhancement of the established industrial and commercial areas will be encouraged.
- Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
- Policy HC3 In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs.
- Policy HC17 In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:
- (i) Improvements to infrastructure, services or community facilities,
 - (ii) Mitigating measures made necessary by a development, and
 - (iii) Other social, economic or environmental investment to address reasonable identified needs.
- Provisions should be fairly and reasonably related in scale and kind to the individual development
- Policy HC19 The Tawe Riverside Park will be completed to improve its role as an attractive recreation area and complete the pedestrian and cycle network
- Policy HC24 Provision of public open space within new housing developments
- Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
- Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
- Policy AS4 Creation or improvement of public access routes will be encouraged
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking
- Policy AS11 Road construction and /or improvements are proposed at the Morfa Distributor Road

Planning Policy Wales 2002

Supports in principle the redevelopment of 'brownfield' sites for new development.

Supplementary Planning Guidance:

The *Tawe Riverside Corridor Study* was adopted as policy by the Council in October, 2006.

b. Relevant Planning History

2008/0919 Construction of Morfa distribution road and widening of existing express bus route (Council Development Regulation 3)
Currently being considered

c. Response to Consultations

The application was advertised on site and in the local press as a development accompanied by an Environmental Statement and as a development which might materially affect the setting of a listed building (Former Vivian Locomotive Shed). One letter of observation has been received, making the following enquiry:

1. Is it proposed to schedule archaeological digs at the Bernard Hastie and Cambrian Pottery sites ?

Countryside Council for Wales – does not object to the proposal.

In our opinion, the development as proposed is not likely to have an adverse effect on natural heritage provided the recommendations in the ecological appraisal for reptiles are followed.

Glamorgan Gwent Archaeological Trust –

Original response

The application has an archaeological restraint.

The Historic Environment Record, and an archaeological desk-based assessment prepared for the site, shows that there has been significant activity in the area over time, including several phases of construction associated with the various uses of the site. The desk-based assessment notes, in particular, the numbers of early industrial buildings that have been in existence here, visible in historic mapping and in other pictorial sources, as well as several surviving elements of these early industrial structures in use to day as working buildings. The desk-based assessment also highlights evidence for the rapid pace of change and expansion in industry at the above site throughout the late 18th and early 19th centuries, this rapid pace of change is indicative of the innovative and groundbreaking nature of industry in Swansea at this time.

Whilst the area may have been cleared to some extent, recent archaeological work on similar sites, such as the old Addis Site (The Copper Quarter) Swansea (Our Ref: SWA0269), has shown that with substantial industrial structures such as engine houses, buried remains often survive with a high degree of integrity even though it was believe the site had been completely cleared.

It therefore can be expected that archaeological remains of significance are located in the area of the proposed development. Consequently, the desk-based assessment produced provides a series of mitigation measures, including;

Building recording, to be carried out in order to assess and record the remains of the newly identified nineteenth century industrial buildings.

Building recording, of the structures forming the remainder of the Hasties site, as this is itself a culturally significant site in the industrial history of Swansea.

Pre-determination archaeological evaluation, in order to mitigate the effects of the proposed development on the archaeological resource.

Pre-determination Written Scheme of Investigation and Plan for Mitigation, to be produced based on the results of the above evaluation, and approved by the archaeological advisors to the Local Planning Authority. In order to provide a clear outline for a programme of continuing archaeological works.

Archaeological monitoring, of any further ground investigations, geo-technical works or other works of this nature on site by an appropriately appointed archaeologist.

All of which we would agree as the professionally retained archaeological advisors to your Members are necessary in order to appropriately fulfil the requirements of Planning Policy Wales' guidance relating to the treatment of the historic environment.

The proposed development has the potential to affect archaeological remains.

Planning Policy Wales 2002 Section 6.5.1 notes that *"The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled."* The more detailed advice in Welsh Office Circular 60/96, Section 12, recommends that *"where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken."*

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members. We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval.

Furthermore we would recommend that a Written Scheme of Investigation be produced based on the results of such an evaluation and a detailed plan for continuing archaeological works, including details of the mitigation in place to balance the effects of the proposed development against damage to the archaeological resource. This written scheme should be approved by us, the archaeological advisors to the Local Planning Authority, prior to any decision on the planning application being taken.

A building recording survey should also be undertaken on the early nineteenth century industrial structures and those structures forming the Hasties site. We would envisage that the condition for this work be based on the model suggested by the Association of Local Government Archaeological Officers (ALGAO) in their document Analysis and Recording for the Conservation and Control of Works to Historic Buildings and that this work will ensure that the structures are fully recorded before development commences. We envisage this survey to be undertaken to a Level III standard (English Heritage 'Understanding Historic Buildings: A Guide to Good Recording Practice' 2006). The completed record should then be deposited in a suitable repository such as the West Glamorgan Archives or the Historic Environment Record so that future historians can access it.

The ALGAO model is worded:-

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

The justification for the imposition of the condition would therefore be:-

Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate the impact of the demolition and development.

In addition we recommend that a condition should be attached to any planning consent granted to the current application requiring a programme of archaeological investigation to be approved prior to the commencement of the development, further ground investigation, geo-technical or other works of this nature. We envisage that this would take the form of an archaeological watching brief with contingency arrangements to allow sufficient time and resources for the excavation and recording of archaeological features to be undertaken, post excavation analysis and the production of a report containing the results of the work.

This recommendation follows the advice given in Welsh Office Circular 60/96, and we suggest that the condition is worded in a similar manner to the model given in Section 23 of that document:

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.

We note that in the Environmental Impact Assessment it is stated that the applicant does not consider that pre-application "intrusive archaeological work ... would achieve any mitigation" due to the extensive geo-technical work required to stabilise the site. On the contrary, as the regional archaeological curators it is our opinion that this geo-technical work would be in itself reason enough to require archaeological evaluation potentially followed by full resource.

Pre-determination archaeological work in this case is essential in order to mitigate the effects of the necessary ground stabilising works let alone any other aspect that the applicant, as a non-archaeological professional, has not understood the necessity of the recommended mitigation work or that the proposed mitigation detailed in the desk-based assessment is a recommendation primarily designed to protect the archaeological resource and consider only after this benefit to the smooth progress of any proposed development.

Further response

In our letter of the 12th September 2008 in response to your initial consultation on this application we noted that potentially there was a significant archaeological resource in the application area. We noted that this resource was industrial and that the recent work at the old Addis Site (The Copper Quarter) Swansea had shown that with substantial industrial structures such as engine houses, buried remains often survive with a high degree of integrity even though it was believed the site had been completely cleared. It was therefore our recommendation following the advice given in Planning Policy Wales 2002 Section 6.5.2 and Welsh Office Circular 60/96, Section 13, an archaeological field evaluation to be carried out before any decision on the planning application is taken. Ms. Cole's letter explains why access cannot be gained to carry out the required evaluation and therefore we must consider whether or not it is appropriate for the current application to be determined without more detailed information on the archaeological resource being provided. Without detailed information on the archaeological resource being available there is a risk of significant archaeological features being revealed during the development and delays occurring leading to a significant financial impact. Therefore to mitigate this potential risk and to ensure that any prospective developer clearly understands the archaeological potential of the site and the measures that will need to be carried out prior to and during any development of the site we recommend that the applicant is requested to produce a document outlining what archaeological investigations will be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. The presentation of the above document would be sufficient for us to be able to recommend conditions safe-guarding the archaeological resource to be attached to any planning consent granted by your Members.

Environment Agency

Original Response

Flood Risk

As you are aware, part of the site is classed as C2, as defined by the development advice maps (dam) referred to under TAN15: Development and Flood Risk, July 2004. We note that we have previously commented on this site in response to a request for a scoping opinion. Within this, it was stated that due to site levels submitted suggesting the site is outside the extreme flood outline, no flood consequences assessment (FCA) would be required.

It is noted however, that the current application site differs from that submitted previously and now takes in areas of lower ground closer to the River Tawe. Part of the application site now includes land that may be at risk of flooding in events up to the 0.1% event. We would therefore advise that a FCA will in fact be required in order to establish in detail, the extent of flood risk on the site and how the development will be designed to manage the risk. The flood risk to the site could be tidal, fluvial or a combination of the two and all scenarios should be assessed.

Site Contamination

The River Tawe has been classed as the receptor, rather than the ground waters beneath the site. The site is entirely covered by made ground, consisting of ash, clinker, slag and demolition rubble. No petroleum hydrocarbons were detected in the soils, however it was evident in all CP boreholes at depths greater than 5.4m. This is suggested to be lateral movement from an off-site source, thought to be the railway lines. The trial pits for TP10, 11, 12 and 14 are only to a depth of 0.3m. Samples at depth would be needed as they are all on the NE of the site and no other trial pits characterise this area of the site. TP8 is only on the surface. Limited sampling has been undertaken due to the footprint of the existing buildings.

We are however satisfied, that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. In line with the advice given in Planning Policy for Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition then the following conditions must be included on any permission granted. Without these conditions, we believe the proposed development poses an unacceptable risk to the environment and we would object to the application.

Surface water drainage

With regard to surface water drainage from the site, we note that the Environmental Statement states that ground conditions and contamination make it unsuitable for a sustainable urban drainage system (SUDS) and that surface water will drain to the River Tawe.

At present, much of the site is covered and during construction and post development, there will be greater infiltration. We recognise that there is an increased potential for the pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins. However there are SUDS options which could be incorporated, for example lined attenuation ponds, grey-water harvesting systems, green roofs and even the provision of water-butts. We would also welcome some investigation into hydro-brakes.

In order to satisfy the requirement of section 8.5 of TAN15, further evidence on why it will not be possible to incorporate any type of SUDS must be provided. Only if it can be clearly demonstrated that SUDS are not feasible, should a conventional system be utilised. If such a system is installed, then this must improve upon the current status quo.

All foul water generated from this development must be disposed to the main public sewerage system. We note that Dwr Cymru/Welsh Water have been contacted by the developer who has advised that capacity exists to accommodate the proposed flows.

Biodiversity

With regard to the biodiversity interests at the site, we note the findings of the ecological assessment undertaken. Although the ecology of the site is limited, the River Tawe is an important water body and is regarded as being high environmental sensitivity.

An appropriate development free buffer strip must be maintained between the development and the top of the bank of the river. This is to provide some protection to habitats and wildlife that may be present, as well as allowing sufficient access for maintenance purposes.

In consideration of the above, whilst we are satisfied that the majority of our concerns can be addressed via appropriate planning permission, we would ask that determination of the application be deferred until the required FCA has been submitted for review.

Further Response

Following further correspondence it has been clarified that during the preparation work for the Environmental Assessment it was found that the riverbank was not stable and that stabilisation work to the bank is required as part of the development. This has resulted in the increase in size of the development area. It was acknowledged that the bank area is within zone C2 and that the land is at risk of flooding. However, we note that there is no proposal to include built development within this area and that all development is set well above flood levels.

Based on this information we are satisfied that due consideration has been given to the flood risk at this site. In this instance, as the flood risk has been acknowledged, we will accept the correspondence as a limited Flood Consequences Assessment (FCA). The following condition is requested for inclusion:

Condition

No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5m AOD.

Reason: to reduce the risk of flooding to the proposed development and future occupants.

Head of Environmental Management and Protection –

Condition: Land Contamination

This site lies on or adjacent to a number of sites where previous historic industrial use was undertaken resulting in a likely legacy of gross contamination, including Hafod Phosphate works, Hafod Iron Foundry, Hafod Isaf Cobalt-Nickel works, Swansea High Street Station & Yard.

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 indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified. 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.

Air Quality Management

The applicant shall be required to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development on the surrounding local area.

- i) The assessment shall consider the seven key pollutants within the National Air Quality Strategy and the Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO₂ objective and NO₂ annual mean objective.
- ii) In addition the assessment should also pay particular attention to the PM₁₀ objectives set in regulation (24 hour mean objective of 50ug/m³ - 35 exceedences and the annual mean objective of 40ug/m³ to be achieved by the 31/12/2004 and maintained thereafter) Also, an indication of the new Particles (PM_{2.5}) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25ug/m³ in 2010 and 2020 should be made.

Domestic - Sound Insulation

Require a detailed assessment of night time rail noise on development and how the site design will mitigate the effects of this.

Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Subject to the inclusion of the above the Pollution Control Division of the Environment Department has **no objection** to this application.

Highway Observations –

1. Background

1.1 This proposal is for the redevelopment of the Bernard Hastie site at the end of Morfa Road. The proposal is to erect 142 dwelling units made up of 52 houses and 84 flats together with 189 car parking spaces. A Transport Assessment has been submitted in support of the application.

1.2 The Transport Assessment has assessed the transport and traffic implications of the development and the results indicate that the proposal is acceptable.

2. Traffic Generation

2.1 Traffic generation is predicted to be 21 arrivals and 62 departures in the am peak hour and 55 arrivals with 30 departures in the pm peak hour. This equates to just over 1 vehicle a minute during the peak hour and does not give rise to any capacity issues.

2.2 No reference has been made to the traffic generated by the previous use of the site and all predicted movements have been assumed to be new, therefore a robust assessment has been undertaken.

3. Parking

3.1 Parking for the site is stated to be 189 spaces, however as this is an outline application no detail of how spaces are allocated to each dwelling is given. This aspect will be addressed at detail stage should consent be given

4. Morfa Road Improvements

4.1 The Morfa Distributor Road scheme passes through the site and therefore this development will need to accommodate this road improvement. The developer has agreed to provide this part of the Morfa Distributor where it passes through this site at his expense and this is a positive contribution to the overall scheme. The site access will therefore join the new Distributor road and all traffic movements will be down towards the New Cut Road junction until such time as the Distributor road has been completed and provides a through link.

5. Access by other modes

5.1 Walking distances between the site and access to public transport is acceptable being approximately 300m to bus stops on Neath Road. The City Centre is just under 2Km from the site which is recommended as the maximum walking distance by the Chartered Institute of Highways and Transportation.

5.2 This Council's strategy for the riverside includes the provision of a riverside walk and cycle path. This is referred to in the Transport Assessment. It will be necessary therefore to ensure that development of the site does not prejudice this and therefore a suitable condition should be imposed to safeguard the route and allow for negotiation on the developer's contribution towards its provision.

6. Recommendation

6.1 I recommend no highway objection subject to the following;

i. Prior to occupation of any dwelling within the site, the Morfa Distributor road where it passes through the site, shall be constructed in accordance with details to be submitted and agreed. All at the expense of the developer.

ii. The internal road serving the site shall be constructed in accordance with details to be submitted and agreed.

iii. Each dwelling shall be provided with suitable parking facilities in accordance with details to be submitted and agreed.

iv. Details of the treatment to the Riverside Walk shall be submitted for approval and implemented in accordance with approved details.

v. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.

Note 1. The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Players Industrial Estate, Clydach, Swansea. SA6 5BJ (Tel 01792 841601) before carrying out any work.

Note 2: 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.

APPRAISAL

The application has been called to Committee at the request of the Ward Member, Councillor Robert Speht.

The site and its surroundings

The application site is located on the western banks of the Rive Tawe at the northern end of the Morfa Industrial Estate. The eastern end of the site comprises the former industrial site of Bernard Hastie, whilst the western part of the site is land owned by Network Rail and consists of railway sidings. Whilst they are technically operational, they are unused. Additionally, the application site also comprises the wooded embankment above the River Tawe. This is included within the application site because of the engineering operations which will be required to stabilise the embankment to allow the re-development of the land above.

The existing vehicular access into the application site is via Morfa Road. Morfa Road runs generally parallel to the railway line to the west and serves all of the premises on the western bank of the river within the Morfa Industrial Estate. It forms a junction with the A483 New Cut Road approx. 1 km to the south of the site. Additionally, there is a vehicular access via Maliphant Street onto Neath Road which runs underneath the railway line.

The redevelopment of this brownfield site is considered to be one of the key development elements of the implementation of the Tawe Riverside Corridor Study (TRCS), adopted by the City and County of Swansea in 2006. The strategy for the Morfa Road is for a significant opportunity for redevelopment, capitalising on the riverside setting, the proximity of the area to the City Centre and waterfront and also to celebrate and interpret the heritage of the area. The strategy for the regeneration of the area is to alter the balance of uses from light and heavy industry and dereliction, which ignores the river frontage, to a high quality mixed area of residential, commercial and light industrial uses. The masterplan for the Morfa Road area envisages the residential development of the Hasties Site. The application indicates that the realisation of the residential scheme on the application site would act as a catalyst for further development, and would radically change the appearance of the area.

In addition, one of the key aspirations of the TRCS is the delivery of the 'Morfa Distributor Road', which would require the upgrading of the existing Morfa Road from its junction on New Cut Road and then providing a new road link via the existing Landore park and ride access onto the A4067 to enable to have a distributor road function. The distributor road would serve development within the area and moreover would relieve traffic congestion elsewhere on the highway network by providing an alternative direct corridor to the city centre from the north. The proposed alignment of the Morfa Distributor Road would cross the application site frontage before linking into the 'Phase 2' element which links the Landore Park and Ride to the northern boundary of the site, which is currently under consideration under Ref:2008/0919, and is also reported on this agenda.

The planning application

The planning application seeks outline planning permission for the following development:

- *58 no. three storey town houses;*
- *84 apartments*

together with:

- *open space, including play spaces, footpaths, cycle paths and areas for informal recreation;*
- *second phase of the proposed Morfa distributor road;*
- *New roads, accesses, parking areas and paths including*
- *Other ancillary uses and activities;*

The scheme as originally submitted involved the re-development of the site with the construction of up to 91 houses (3 storeys) and 134 apartments (5 storey), 225 residential units in total. However, during the consideration of the application the developable site area has been reduced as the operational requirements of Network Rail have become clearer. Network Rail have determined that they wish to retain a larger portion of the railway siding for future use and this has resulted in a smaller footprint for the proposed residential area. As a result it is now proposed to construct up to 52 houses and 84 apartments, 136 residential units in total. In addition, the reduction in the site area has meant a re-alignment of the proposed section of the Morfa Distributor Road which would be constructed through the site.

The application is submitted as an outline application with matters of siting and means of access to be determined at this stage. The issues of design, external appearance and landscaping are reserved for future consideration. The planning application is accompanied by a Design Statement which provides additional information on layout concepts and the principles of the scheme.

Design Issues

The site is currently occupied by the former Bernard Hasties buildings and is being used by small industrial users and also comprises the underused Network Rail railway land ('Maliphant Sidings'). The Swansea to London main railway line isolates the site from the housing area of the Hafod. The site is identified in the Tawe Riverside Corridor Study for housing and the vision for the Tawe Riverside Corridor is to: *'Develop a modern, attractive and vibrant riverside urban area, creating a place where people wish to live, work and visit, capitalising upon and celebrating the Tawe's unique contribution to the Industrial Revolution'*.

It is proposed for the access to the site to be formed from the 'Morfa Distributor Road' which would be created by the construction of a road extension from the northern side of Morfa Road through the application site which would then link into the park and ride extension at Landore. The submitted Design and Access Statement (DAS) indicates that owing to the existing topography it is not possible to link the site with the riverside walkway. However, it is proposed to contribute to improvements to the nearby railway underpass (Maliphant Road) as part of the proposal.

Design Strategy

The DAS indicates that the proposed form of the development is informed by the site character and that the curved layout derives from the natural sweep of the River Tawe, and the proposed Morfa Distributor Road would provide a buffer to the existing railway line. The DAS states that the design concept has reflected the aspiration to optimise the 'Riverfront', and consequently, the masterplan has been configured to promote visual permeability with the 5 storey apartment blocks positioned at 'right angles' to the curvature of the river in order to allow a large proportion of the residential units an aspect to the river. The scale of the terraced housing facing onto the proposed distributor road and internal estate road provide a sense of enclosure and legibility to the streetscape. The apartment blocks form individual pavilions whilst the terraced housing contain the development.

The DAS indicates that the density of the development responds to the guidelines set in the TRCS, as the 58 houses and 84 apartments equates to 75 units per hectare. The TRCS recommends a minimum density of 50 units to the hectare, as relatively high densities will need to be achieved having regard to the development costs of the re-development brownfield sites. Additionally, the TRCS anticipates higher density apartments on the river frontage and two or three storey dwellings elsewhere, which is considered an appropriate scale for the site. The proposed housing layout attempts to reflect the recommendations of the TRCS. The higher density 5 storey high apartment blocks are located adjacent to the River Tawe which incorporate under-croft car parking with the ground floor raised by 1 metres above the external ground level. The change in level would be masked by landscaping while level access would be accommodated between blocks via raised links. This integration of the under-croft parking reduces its visual impact whilst at the same time allows for the space between to be laid with soft landscaping.

The inner aspect is more intimate and is characterised by 3 storey houses forming streets and squares with car parking provided in front of the houses or in courtyards. The internal layout also provides a legible development pattern whilst encouraging slower traffic.

Development Plan Policy and Land Uses

National Planning Policy

In line with recent Central Government guidance provided by Planning Policy Wales 2002 (PPW 2002), the redevelopment of the former industrial site would fall to be considered as a windfall 'brownfield' site, that is a vacant site within the established urban area and that has been previously developed and is now available for redevelopment. In principle, this national policy guidance actively encourages proposals for the redevelopment on such sites, provided they do not give rise to an over-intensive form of development, or an unacceptable loss of important urban greenspace, or have an unacceptable detrimental impact on the character and appearance of the existing residential neighbourhood or on highway conditions. PPW 2002 provides up to date guidance on the Government's vision for Wales, which seeks to provide a greater choice and variety of homes in sustainable communities, and ensure that previously developed land is used in preference to green field sites. New developments are required to improve the quality of life, regenerate communities, with a mix of private and social housing that enhances where practicable the surrounding landscape and wildlife features.

Unitary Development Plan

The site is an established industrial and commercial area and is therefore afforded white land status in the adopted UDP where redevelopment proposals are considered on their merits. Whilst there is no site specific allocation in the Plan, the Tawe Riverside Corridor Strategy (TRCS) provides a relatively up to date planning policy framework for considering schemes along the Morfa Road corridor.

The TRCS was adopted as Council policy in August 2006 and it is anticipated that it will become Supplementary Planning Guidance now that the Unitary Development Plan has been adopted.

It is the TRCS rather than the UDP that sets out specific site allocations and proposed uses within the context of a wider strategy for the whole of the Tawe Riverside extending northwards. The overall concept for the Morfa Road section is to deliver a mix of uses, however the TRCS does point out that there is sufficient flexibility to enable the majority of sites to be developed for housing purposes in the longer term. However, phasing is clearly an important element in ensuring that the amenity of future occupiers is not unacceptably compromised by factors such as noise pollution and general disturbance. The UDP states that proposals for non-commercial uses at or adjacent to industrial areas should be determined on their individual merits against broad planning principles, many of which are set out in UDP Policies EV1 and EV2. Of particular relevance is the requirement to consider the level of impact caused by existing commercial uses in terms of environmental pollution to future occupiers at neighbouring sites. The TRCS also deals with 'Pollution Considerations', which states that Planning Permission may be refused at sites along Morfa Rd if – notwithstanding the use of good design – the close proximity of a site to existing noise generating uses is considered unacceptable.

UDP Policy EV1 requires that the scheme provides a safe environment for future occupiers by addressing issues of security, crime prevention, fear of crime, and giving consideration to spaces and routes around the site. There is concern whether existing connections to/from the site and areas around it are possible having regard to personal safety issues for future residents. The safety and quality of pedestrian routes from the site to the City Centre and local facilities is crucial. UDP Policy AS2 in particular states that the design and layout of new developments should provide suitable facilities and attractive environment for pedestrians and non car users. The extent to which the submitted scheme meets these requirements to provide safe, attractive direct links for the large number of pedestrian movements that would arise from residential occupiers is a significant consideration.

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. The provision of affordable housing is a key priority for WAG and National Planning Policy in the form of Planning Policy Wales (as updated by Ministerial Interim Planning Policy Statement 01/2006 Housing – June 2006) and Technical Advice Note 2: Planning and Affordable Housing (June 2006) provides the policy guidance. Policy HC3 of the Unitary Development Plan is a strengthening of this policy and requires in areas 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 general threshold is reduced to 25 dwellings or 1 hectare or phases of such development. The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The TRCS also indicates that a proportion of housing should be affordable.

The Housing Department has completed its Local Housing Market Needs Assessment (LHMNA) which is a key supporting document to the Council's Housing Strategy. The LHMNA was completed by consultants in accordance with WAG/Central Government Guidance. The Housing Strategy was approved by Council on 13th September, 2007 and represents a significant change in the policy framework relating to the provision of affordable housing. Whilst the LHMNA, which underpins the Housing Strategy, sets a target of 30%, a reduced provision considered to be appropriate given the other benefits which form part of the scheme.

The Head of Housing has indicated that a minimum provision of 15% affordable housing should be provided on the site, with the mix of units and tenure to be determined. However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the additional abnormal costs and as such would it unviable for the developer to incur the additional cost. As indicted above, Policy HC3 of the UDP indicates that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs. This would need to be negotiated therefore as part of the overall Section 106 contribution requirements, acknowledging that the construction of the road is the highest priority.

Environmental Impact Assessment

The application has been accompanied by an Environmental Statement (ES) due to the fact that the site is located in a sensitive environmental location adjacent to the River Tawe and it was therefore considered that the proposed uses would have significant effects on the environment. The non-technical summary of the ES is available separately.

The content and structure of the Environmental Statement

The EA provides a detailed description of the site and its surrounding area. It also provides an indication of the recent planning history of this area, and places the current proposals in the context of the overall long-term vision for the site and its hinterland, as proposed by the City and County of Swansea. It also explains the development mix and provides a more detailed description of the proposal. The indicative construction programme is also outlined, along with a broad description of the way in which the proposal contributes to the principles of sustainable development. The EA also provides an overview of the policy context within which the planning application will be assessed. It highlights the key issues arising from Planning Policy Wales and relevant Technical Advice Notes (TANs) and provides a summary of the most relevant adopted and emerging regional and local planning policies, along with other relevant plans and strategies. The EA also examines the need for the scheme and outlines the alternative options that have been considered as the plans have been developed. It explains the rationale for the selected proposal, and the reasons why the described alternatives were not pursued.

The following main issues have been identified within the EA:

- **Ecology;**
- **Archaeology;**
- **Air Quality;**
- **Noise and Vibration;**
- **Highways and Transportation;**
- **Land Quality**

It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

Ecology

The EIA indicates that an ecological assessment of the development site was carried out. This included a bat survey of the buildings at and around the Hastie factory in order to assess the extent of any bat or other protected species use of the buildings, and to identify any constraints upon the discovery of bats (or other species).

The conclusions of the bat surveys were that there was no evidence of bat use at or around the buildings and that bat roost opportunity was very limited.

An examination was undertaken of the western bank of the River Tawe adjacent to the Hasties site, in search of protected species interest which might be affected by works to the embankment. In particular, otters are known to use this stretch of river, and the examination was made for rest-site use. However, no field evidence of otter presence nor actual or potential resting-sites were found along the bank.

A survey was also conducted of the railway sidings to identify any potential protected species. This indicated limited potential for reptiles and the EIA recommends a number of mitigation measures to encourage suitable habitats. The Countryside Council for Wales have raised no objection to the proposal subject to the recommendations in the ecological appraisal for reptiles being followed. In addition, whilst acknowledging the limited ecological value of the site, the Environment Agency note the environmental sensitivity of the River Tawe, and recommend the retention of an appropriate development free buffer strip between the development and the top of the bank of the river. This is to provide some protection to habitats and wildlife that may be present, as well as allowing sufficient access for maintenance purposes.

Archaeology and cultural heritage

The EIA indicates that an Archaeological desk-based assessment was carried out. This concluded that the proposed development will have a major effect upon the Swansea Canal, Former Hafod Phosphate Works, Hafod Foundry, the Hasties site itself and the railway sidings. The report recommends that in terms of mitigation, a building survey be carried out to assess and record the remains of the nineteenth century industrial buildings and the remaining Hasties buildings.

Information regarding the remaining archaeological resource is limited although it is likely that there are significant surviving archaeological deposits below ground. The assessment therefore recommends that an archaeological evaluation is carried out prior to the commencement of development on the site. This should take the form of a written scheme of investigation and plan for further mitigation based on the results of the evaluation. Additionally, it is recommended that an archaeological watching brief is initiated during any further ground investigation and geotechnical works. Whilst acknowledging this advice, the applicants indicate that due to the extensive geotechnical work required to stabilise the site and deal with decontamination, it is not considered that undertaking further intrusive archaeological work prior to determining the planning application would achieve any mitigation. Glamorgan Gwent Archaeological Trust (GGAT) confirm the presence of an archaeological restraint on the site and requested the deferral of the planning application until an archaeological evaluation report has been submitted.

However, the applicants have responded outlining the problems of carrying out an archaeological evaluation of the site at this stage. In particular, as the buildings on the site are still in occupation and as such would place significant constraints on the operation of the business. The applicants would be willing to initiate an archaeological evaluation prior to the commencement of works on site and would accept an appropriate condition accordingly.

GGAT express concern that without detailed information on the archaeological resource, there is a risk of significant archaeological features being revealed during the development and delays occurring leading to a significant financial impact. GGAT recommends that a document is produced outlining what archaeological investigations will be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. This could be a requirement of the Section 106, to be attached to the Agreement.

Air Quality

An air quality assessment was carried out on the site. The assessment assesses the potential air quality impacts associated with the proposed residential development.

The four key aspects within the proposed development that might be subject to air quality are:

- New properties within the proposed development that might be subject to air quality impacts from nearby road traffic;
- railway locomotives impacts;
- Industrial emission impacts; and
- Operational and Construction impacts (Operational impacts on future residents and construction impacts on the local surroundings).

The assessment considered that the development would only generate approximately 1000 vehicle movements per day, which would not lead to a significant increase in traffic on local roads. The assessment has not assessed the impact of traffic generated by the proposed development on the surroundings.

The air quality impacts of all probable situations were modelled using a modelling system and data provided by the highway authority and the effects on the air quality within the development from road traffic, with and without the proposed new Morfa Distributor Road, railway locomotives and Industrial sources were found to be negligible, falling below relevant government guidelines in all these areas. Other key findings were that the air quality impacts during construction were judged to mostly comprise dust emissions from demolition and construction activities.

In term of mitigating any potential road traffic impact the assessment considers that the proposed new road is not positioned any closer to the proposed residential properties than illustrated on the submission plans. Any additional distance that can be placed to offset the road from the houses, greater than that shown in the current submitted plans would lessen the impact of the new road on this development.

The assessment also proposes a number of mitigation measures to mitigate dust emissions during the construction phase. These measures involve dampening down of dry unpaved roads on the site and regular sweeping of the site access road to avoid dust spreading. It is also proposed that all vehicles carrying material off site would be sheeted to avoid dust emissions. These measures will minimise the effects on the air quality in the local area such that they do not cause any hazard whatsoever.

Noise and vibration

The EIA incorporates an environmental noise and vibration impact assessment. The purpose of the assessment was to determine the potential noise impact of the proposed development to the local environment during construction and site operation, and to also assess the impact of the local environment on the proposed new dwellings.

Having undertaken a site survey and assessment it was considered that the following areas were investigated more thoroughly:

- Demolition and construction noise
- Noise from car parking and on-site vehicular activity
- Noise from access road traffic
- Noise from the potential Morfa Distributor road
- Noise from existing industry and business

The effect and extent of vibration carried through the ground during construction was also investigated.

Construction Noise

In general the assessment concluded that the development's construction noise and vibration would not cause disturbance to local residents. However to mitigate a potential construction noise disturbance, any construction equipment to be used will have to comply with relevant regulations regarding noise and vibration to ensure not to cause a disturbance. The assessment considers it is uncommon for the development of residential developments to be such that vibration levels are high, however consideration should be given to the demolition of buildings close to receivers directly adjacent to the development site. The levels required to be generated before structural damage occurs are high and highly unlikely to be reached in the construction of this development.

Operational Impacts

The proposed development would be in close vicinity of the Swansea Mainline railway. Additionally, the operation of the proposed Morfa Distributor Road would lead to the introduction of a new source of noise. The EIA concludes that Noise and vibration from existing surrounding road networks, from the proposed new link road (Morfa Distributor) and the existing railway line would have a negligible impact on existing residential dwellings but would have a medium to high impact on the proposed development. However, mitigation measures can be applied to reduce this potential impact to a negligible level. These measures would include the use of high quality double glazed windows to block sound indoors and screening for outside areas.

The Head of Environmental Management and Protection raises no objection to the application subject to the implementation of a scheme to ensure that all habitable rooms within the proposed development are subject to sound insulation measures.

Transport and highways

The Environmental Impact Assessment submitted with the application incorporates a Transport Assessment. The site would be accessed from the proposed Morfa Distributor Road via a priority right hand turn junction. The Head of Transportation indicates that the proposed traffic generation which equates to just over 1 vehicle a minute during the peak hour and would not give rise to any capacity issues. The developer has agreed to provide the section of the Morfa Distributor Road at their expense and is therefore a positive contribution to the overall scheme. This will be secured via a Section 106 Planning Obligation. The developer has indicated that the cost of constructing the distributor road to a point where the access to the site is anticipated to be £240,000 (based on a length of approx. 120 metres). Additionally, the developer has agreed to contribute to the remaining section of the distributor road across the land within their control at a cost of £303,000 (for a length of approx. 152 metres).

It is considered that the total cost and construction of providing the section of the Morfa Distributor Road within the application site be borne by the developer and secured by a Section 106 Planning Obligation.

The site access will therefore join the new Distributor road and all traffic movements will go down Morfa Road to the New Cut Road junction until such time as the Distributor Road has been completed to provide the through link. The completion of the section of the Distributor Road to meet the park and ride extension (currently under consideration Ref: 2008/0919 refers) and thus allow movements northwards would depend on the availability of funding for that proposal. There is also the existing single width vehicular access via Maliphant Street underneath the railway line located at the end of Morfa Road. It is the aspiration of the TRCS to close this access to vehicular traffic pending the completion of the Morfa Distributor Road.

Walking distances between the site and access to public transport is acceptable being approximately 300 metres to bus stops on Neath Road. This pedestrian access would utilise the existing Maliphant Street access underneath railway line. Network Rail have indicated the potential of closing the existing Maliphant Street access in order to facilitate their future operational requirements and that in its place they would be prepared to construct a pedestrian bridge over the existing railway line in order to facilitate / retain the existing access. The TRCS recognises that to improve pedestrian linkages from Morfa Road, the feasibility of a pedestrian linkage / bridge over the railway line may need to be considered although the engineering and cost implications are recognised. However, the TRCS also envisages that the link under the railway from Maliphant Street would be for pedestrian and cyclists only, and would be enhanced. The developers have also indicated a willingness to contribute £15,000 towards improving the pedestrian access across / under the railway line. This may be secured by the Section 106 Planning Obligation.

It is an aspiration and one of the development objectives of the TRCS to provide continuous and pleasant public access along the riverbanks of the River Tawe which would provide public access from Parc Tawe through to the Hafod site. A footpath is in place for the majority of the route and present, with the exception of the Swansea Industrial Components site (in the Morfa Industrial Estate), however, it is currently impassable in places due to overgrowth and there are no barriers to protect users along the river edge.

Land Quality

A comprehensive ground investigation has been undertaken as part of the EIA. The site lies on or adjacent to a number of sites where current and previous historic industrial use was undertaken resulting in a legacy of ground contamination by chemicals or materials that have leaked or been spilled during the industrial activity. Within or adjacent to the site, there was the Hafod Phosphate Works, Hafod Iron Foundry, Hafod Isaf Cobalt-Nickel works and also the railway line and sidings.

The ground investigation indicates that the made ground is widely contaminated by metals and contains localised hotspots of organic contamination. In order to mitigate against this a suitable thickness of clean cover will be required in gardens and other areas of soft landscaping to mitigate human health risks. Chlorinated solvent contamination has been found at two isolated locations in the south-west and east of the site and further investigation of these areas is recommended. The groundwater appears to be widely contaminated by petroleum hydrocarbons and appears to be locally contaminated by PAHs, VOCs and PCBs. Further investigation is therefore recommended to gain a more detailed understanding of the characteristics of the identified organic contaminants and to inform a more sophisticated assessment of pollution risk.

No protection measures are required in respect of radon, methane, or carbon dioxide gas. Chlorinated solvents have, however, been found on site. Conventional gas protection measures comprising of gas tight ground floor construction and passive sub-floor ventilation may, therefore, be required as a precautionary measure to mitigate such risks for properties located in the vicinity of these boreholes.

The EA indicates that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

The Head of Environmental Management and Protection considers that the ground contamination can be controlled by imposing planning conditions requiring the developer to 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 and the measures to be undertaken in order to remediate the contamination identified.

Additionally, the EIA indicates that the site's east boundary slope along the banks of the River Tawe appears to be only marginally stable and stabilisation works will be required. It is considered that the most robust means of enhancing the stability of the slope would be to excavate and re-compact the made ground to form a uniform slope of engineered fill. Further work will be required to inform and complete detailed design of the slope stabilisation works. This may be controlled by planning condition.

Drainage Strategy

The EIA indicates that surface water from the existing site discharges direct into the River Tawe without any attenuation and that the public sewerage system in the area is generally of a combined type. It is proposed that the site will drain surface water un-attenuated into the River Tawe, with the proviso that the proposed surface water discharge rate is not to exceed the existing rate of discharge. It is further indicated the impervious surface area of the proposed development will decrease from the existing layout, and therefore there would be a reduction in the surface water run-off rate. It is proposed that a new network of on-site dedicated surface water sewers will convey by gravity surface water to an existing outfall located within the site. The EIA considers that Sustainable Urban Drainage Systems (SUDS) are unsuitable for this site due to the prevailing ground conditions and site contamination, which would make soak-away drainage not a viable option. The Environment Agency (EA) acknowledge that there is the potential for the pollution of controlled waters from inappropriately located infiltration systems such as soakaways. However, the EA indicate there are other SUDS options which could be incorporated, for example lined attenuation ponds, grey water harvesting systems, green roofs or even water-butts. In order to satisfy TAN15 further evidence should be submitted on why it is not possible to incorporate any type of SUD, and only then if it has been demonstrated that SUDS are not possible that a conventional system may be used. It is proposed that a planning condition is imposed requiring a scheme for the disposal of surface water to be implemented.

With regard to foul drainage, the location of the combined sewer on the western boundary means that a new network of dedicated foul sewers will be constructed that drain the proposed development by gravity. Dwr Cymru Welsh Water have advised that the capacity of the existing public foul sewer can accommodate the proposed flows subject to the submission of a detailed scheme indicating a comprehensive and integrated drainage scheme for the site. This can be controlled by planning condition.

UDP Policy EV36 states that development within flood risk areas will only be permitted where it can be demonstrated that its location is justified and the consequences associated with flooding are acceptable. The EA originally objected to the proposal in order to assess the flood risk from the site. However, during the consideration of the application it became apparent that existing ground levels on the development range from 16.5 m AOD to around 18.5 m AOD and as such are well above the river flood levels. The EA are therefore satisfied that due consideration has been given to the flood risk at the site and that the proposed development will not be liable to a flood risk.

Conclusion

The proposed development would represent a strategic regeneration of a brownfield site within the urban area offering considerable benefits, in particular in facilitating the first phase of the Morfa Distributor Road and would be consistent as a more sustainable form of development being promoted by the Council and the National Assembly for 'brownfield sites', in line national and local policy guidance. Having regard to all the relevant Development Plan Policies, the adopted River Tawe Corridor Study and all other material considerations the proposal would represent an acceptable form of development.

It is considered however that conditions and a Section 106 Obligation are necessary to adequately control the development and to achieve the strategic objectives within the TRCS and the Unitary Development Plan. It is acknowledged that scheme viability will be material to the details of the Section 106, and the applicant has supplied some financial information in that respect. This will need to be given more detailed consideration in the final drafting of the Section 106, with priority being afforded to the construction of the highway and the investigation of the archaeological resource within the site.

RECOMMENDATION

It is recommended that the application be APPROVED, subject to the following conditions and to the applicant entering into a Section 106 Legal Agreement with regard to:

Section 106 Planning Obligation Heads of Terms

- **An affordable Housing contribution.**
- **The construction of the proposed section of the Morfa Distributor Road within the developable area. (estimated to be the cost of £543,000).**
- **A contribution of £15,000 towards pedestrian improvements in the vicinity of the railway crossing.**
- **Proposed archaeological investigations.**

1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

- 3 Approval of the details of the siting, design and external appearance of the building(s) and the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.

Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Before any part of the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 6 Before the development hereby permitted is commenced, details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways 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.
- 7 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.
- 8 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.

Reason: To allow the proper consideration of all details in the interests of highway safety.
- 9 No part of the development shall be occupied until the proposed adoptable roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.

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

- 10 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme.
- Reason: In the interests of sustainability and to reduce reliance on the car as a mode of transport.
- 11 Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
- Reason: To ensure acceptable living conditions for future residents having regard to the existing and proposed noise environment experienced at the site.
- 12 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until 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 and vapour related risks, at the proposed site shall be submitted to and approved by the Local Planning Authority. The Phase 1 desktop study should include a Conceptual Method for the initial site investigation which must include a risk assessment relating to the potential affects on groundwater and surface water as a result of the works. Where the site investigation indicates the presence of such contamination, including the presence of relevant gas/vapour, a Method Statement shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified, including measures to minimise the impact on ground and surface waters. The reports shall be submitted individually. The provision of the Phase 2 (Method Statement) detailed report and Phase 3 remediation strategy/validation report will be required only where the contents of the previous [Phase 1 desk top study] report indicates to the Local Planning Authority that the next phase of investigation/ remediation is required.
- Reason: To ensure that the site contamination is satisfactorily remediated in the interests of public safety and amenity.
- 13 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 for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 14 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 15 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the water environment. Given the size / complexity and history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment.

- 17 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 in accordance with the approved scheme.

Reason: In the interests of the ecology and amenity of the area.

- 18 No development shall take place until a waste management plan for the control, management, storage and disposal of demolition waste / excavated material has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainability principles are adopted during the development.

- 19 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved 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.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment.

- 21 No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5 m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 22 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent pollution.

- 23 No development shall take place within the area indicated (i.e. the area of archaeological interest) 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 safeguard this area of archaeological interest.

INFORMATIVES

- 1 The phased land contamination condition shall incorporate the following information:

Phase 1 report: Desk Top Study
this shall:

- ☐ Provide information as to site history, setting, current and proposed use.
- ☐ Include a conceptual model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- ☐ Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation
this shall:

- ☐ Provide detailed site-specific information on substances in or on the ground,

geology, and surface/groundwater.

Provide for a more detailed investigation 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: Options Appraisal/ Remediation Strategy

this shall:

¢ Include an appraisal of the proposed options for reducing the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance, and the remediation measures required and how they are to be undertaken.

Phase 3: Verification Report

¢ A verification report will be produced providing details of the data that will be collected in order to demonstrate that the approved remediation works have been c

PLANS

AS_02 site location plan, AS_00 sections, aerials and photo montages received 31st July 2008), Environmental Impact Assessment - received 31 Oct. 2008), Design and Access Statement (amended information received 21 Oct. 2009). AL 28 (amended plan received 21 Oct. 2009), AS (amended plan 21 Oct. 2009).