

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

**Planning Committee – 12 May 2015**

**Plots D8 & E1, Langdon Road, SA1 Swansea Waterfront, Swansea**

**Referral of Planning Application Ref 2015/0030**

**Back to this Committee from the meeting on 14 April 2015**

**Construction of 49 residential units comprising of 22 three storey townhouses and 27 apartments in three / two storey blocks with associated access, car parking, bicycle / refuse storage, landscaping and ancillary works**

<b>Purpose:</b>	<b>To approve a Section 106 Planning Obligation Heads of Terms requirement for affordable housing</b>
<b>Policy Framework:</b>	<b>National and Local Planning Policies.</b>
<b>Reason for Decision:</b>	<b>Statutory responsibility of the Local Planning Authority.</b>
<b>Consultation:</b>	<b>Statutory consultations in accordance with planning regulations as set out in the attached planning application report.</b>
<b>Recommendation(s):</b>	<b>APPROVE, as set out in the report.</b>
<b>Report Author:</b>	<b>David Owen</b>
<b>Finance Officer:</b>	<b>Not applicable</b>
<b>Legal Officer:</b>	<b>Chris Allingham</b>

### **BACKGROUND**

#### **1.0 Background**

1.1 This application was reported to the Planning Committee on 14 April 2015 with the recommendation that the application be approved, subject to officers negotiating a Section 106 Obligation for affordable housing and that this be brought back to Members as an item report.

1.2 A copy of the report to the Planning Committee on 14 April 2015 is attached.

#### **2.0 Policy Background**

2.1 The need for affordable housing is a material planning consideration and UDP Policy HC3 states 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. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 – 30% of all dwellings will be affordable housing.

2.2 However, with respect to the SA1 Swansea Waterfront mixed use development area, the Section 106 Planning Obligation completed in August, 2003 under the original outline planning permission 2002/1000 requires a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development. This was the percentage agreed by the Head of Housing at that time.

2.3 To date, Registered Social Landlords (RSL's) provide 12% affordable housing at SA1.

### **3.0 Appraisal**

3.1 The application from Coastal Housing (a RSL) seeks full planning permission for residential development of 49 units comprising of 22 no. 'open market' three storey town houses and 27 no. affordable apartments in the form of one and two bedroom apartments (20 x 2 bedroom & 7 1 bedroom units) over two and three storeys to the rear.

3.2 The provision of the 27 no. affordable housing apartments (55% of the development) would therefore make a significant contribution to the overall provision of affordable housing within the SA1 development. However, to ensure any element of affordable housing in perpetuity, it is necessary to control the provision by way of a Section 106 Obligation, in accordance with national and local development plan policy.

3.3 However, the concern of the Applicant is the effect that a S106 Obligation will have on their ability to draw down private finance from lenders against this development to enable further investment and regeneration opportunities in Swansea. It is advised that in the absence of a Section 106 Obligation or specific requirement for affordable housing within the terms of the permission, lenders would have been able to attribute full market values to all 49 units and thereby lend accordingly against that development. The effect of the affordable housing requirement is such that market values would not be able to be attributed to the percentage of specified affordable housing units. The Applicant has advised therefore that they would miss out on a significant amount of finance for future regeneration projects.

3.4 Following negotiations, the Applicant has agreed to enter into a Section 106 Obligation requiring the provision of 10% of affordable housing. This is considered to amount to a reasonable and pragmatic position that reflects the aforementioned extant Section 106 Obligation requirements for SA1 and would allow the Applicant to draw down private finance for 90% of the development, for future development proposals.

3.5 In practice, the Applicant RSL has stressed that 55% of the development would operate as affordable housing, however, it should be noted that planning permission runs with the land and if therefore the site is sold to another developer, the Section 106 Obligation will secure at least 10% affordable housing provision.

## **4.0 RECOMMENDATION**

- 4.1 It is recommended that the application be **APPROVED**, subject to the conditions in the attached planning report and to the Applicant entering into a Section 106 Obligation to provide 10% of the total number of residential units within the development as affordable housing.

### **Background Papers**

#### **Local Government Act 1972 (Section 100) (As amended)**

The following documents were used in the preparation of this report:

Application file together with the files and documents referred to in the background information section of the appended Planning Committee report

#### **Appendices**

Appendix A – Committee Report

**APPENDIX A**

ITEM

APPLICATION NO.

2015/0030

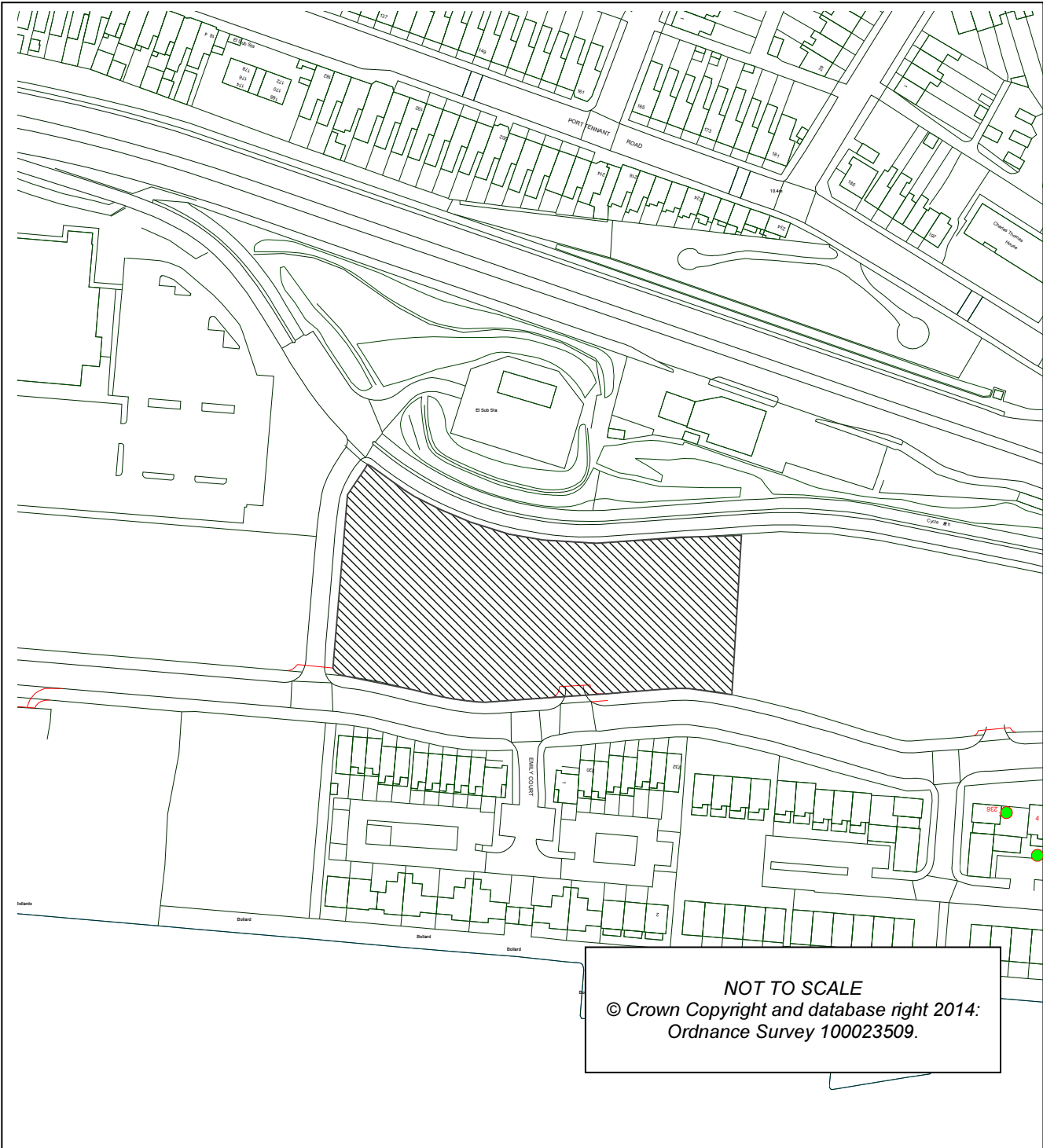
WARD:

St Thomas

**Location:** Plots D8 & E1 Langdon Road, SA1 Swansea Waterfront, Swansea

**Proposal:** Construction of 49 residential units comprising of 22 three storey townhouses and 27 apartments in three / two storey blocks with associated access, car parking, bicycle / refuse storage, landscaping and ancillary works

**Applicant:** Coastal Housing Group Ltd.



## **BACKGROUND INFORMATION**

### **RELEVANT PLANNING POLICIES**

#### **National Planning Guidance**

Planning Policy Wales (PPW – Edition 7 (July, 2014))

Technical Advice Note 12 – Design

#### **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 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access.
- Policy EV4 New development will be assessed against its impact on the public realm.
- Policy EV33 Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational.
- Policy EV34 Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters.
- Policy EV35 Development that would have an adverse impact on the water environment due to:
- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
  - ii) A reduction in the quality of surface water run-off.
- Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented.
- Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.
- Policy EC1 SA1 Strategic Mixed use Site

- Policy EC2 A major redevelopment area identified at SA1 Swansea Waterfront for mixed employment and residential development together with supporting leisure, tourism, community use and ancillary services
- Policy HC1 Land allocated in SA1 Swansea Waterfront for housing
- Policy HC3 Affordable Housing
- Policy AS1 Accessibility - Criteria for assessing location of new development.
- Policy AS2 Accessibility - Criteria for assessing design and layout of new development.
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development.
- Policy AS6 Provision of car parking in accordance with adopted standards.

### **Supplementary Planning Guidance:**

Port Tawe and Swansea Docks - Supplementary Planning Guidance (12th September 2002).

SA1 Swansea Waterfront Design and Development Framework (August 2004).

Places to Live: Residential Design Guide (January, 2014)

### **RELEVANT PLANNING HISTORY**

- 2002/1000 Mixed use development comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses, car parking, associated infrastructure (including new highway access and pedestrian overbridge), hard and soft landscaping  
Planning permission 19 August, 2003 subject to the completion of a Section 106 Agreement
- 2002/0743 Construction of highway infrastructure including cycle ways, footways, drainage and service  
Planning Permission July, 2002
- 2008/0996 Variation of Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), 14 (air quality), 16 (noise and vibration), 20 (waste management and recycling), 21 (ecology and wildlife) and 27 (archaeology) of outline planning permission 2002/1000 granted on 19th August 2003)  
Planning Permission 11 Oct. 2010

## **RESPONSE TO CONSULTATIONS**

The application was advertised on site and in the local press. TWO LETTERS OF SUPPORT / OBSERVATION have been received. The principal points may be summarised as follows:

1. From the view of a prospective buyer the internal layout does not flow well – living space should be on one floor and bedrooms on the other floors. The house looks long and thin, should be a little shorter and slightly wider.
2. In favour of housing but concerns over lack of visitor parking.
3. There is only provision for 6 visitor parking spaces which is inadequate.
4. The site opposite (Emily Court) has 2 parking spaces for each house with 8 visitor spaces for 30 houses and is insufficient.
5. There is no waiting or unloading on Langdon Road.

### **NRW –**

#### Pollution Prevention

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments.

#### Waste Management

Given the scale and nature of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer / contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

#### Flood Risk

The site is located within zone B, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be outside the current flood zones. The proposal is for a residential development which is classed as highly vulnerable development according to TAN15.

The Flood and Drainage Statement (Ref. C14218, dated January 2015) prepared by Jubb Consulting indicates in Section 5.4 that the finished floor level of the properties will be 10m AOD. We are satisfied that this level is above both the 1% and 0.1% tide levels when climate change allowances have been applied.

#### Surface Water Disposal

We note that existing surface water connections into the dock will be utilised. Whilst we acknowledge that this is an existing system, should any opportunity arise to utilise SUDs on the site then we recommend that this should be taken, subject to a prior assessment to ensure that there are no risks to groundwater from any contaminated land.

### Foul Water Drainage

We note that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. We would recommend that Dwr Cymru Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

### Ecology

We welcome the submission of the document entitled; 'Phase 1 Habitat Survey and Reptile Mitigation Strategy: Plots D8 and E1, Swansea Waterfront SA1', dated November 2014 by Hawkeswood Ecology. We note the recommendations made in sections 7 and 8 of the survey and advise that these are discussed and agreed with your Authority's Planning Ecologist.

To conclude, we would not object to the application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

**Glamorgan Gwent Archaeological Trust** – An archaeological desk based assessment was made prior to the wider development of the sa1 Waterfront area commencing, which resulted in the attachment of a condition for an archaeological Written Scheme of Investigation for the wider area. The applicants have taken this into consideration and provided in the support information a rapid archaeological assessment, which re-lists the archaeological interests within the area.

It remains apparent that archaeological remains are likely to be present in the application area, and any impact on these will need to be mitigated. As such we recommend that a condition should be attached to the consent, requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent. We envisage that the programme of works would be an archaeological watching brief, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed.

**Welsh Water** – No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. Request that conditions be included within any planning permission granted to ensure no detriment to existing residents or the environment and to Welsh Water assets.

**Head of Environment, Management and Protection** – no objections subject to conditions in respect of unsuspected contamination and for a Construction Pollution Management Plan to be submitted.

### **Highway Observations**

Construction of 49 residential units comprising of 22 three storey townhouses and 27 apartments in three / two storey blocks with associated access, car parking, bicycle / refuse storage, landscaping and ancillary works. The site was identified as being suitable for residential development under the outline consent for the re-development of SA1, thus the principle of the residential use has already been established. A Transport Statement was also submitted with the application which summarised that the development would have minimal impact on highway safety and could be accommodated within the existing strategic Highway Network. The development is expected to generate 21 movements in total in both the a.m. and p.m. peaks which is not a significant amount of traffic given the existing flows in SA1 and the surrounding area.



Vehicular and pedestrian Access is gained directly off Langdon Road via a priority junction. Adequate visibility onto Langdon Road is available. The site is well served by public transport and in addition is well sited to take advantage of the local cycle network.

A series of amendments have been sought on various issues and the current proposed site plans (3958/A-90-100C) reflect those requests.

Parking is provided at 1 space per plot on the 27 apartments with an additional 6 visitor spaces. There are 2 spaces provided for each of the 3 bed townhouse types (including a garage). There are 2 spaces also being provided for the 4 bed townhouses. Cycle parking is also provided at 1 stand for each of the apartments. The cycle parking is provided in three clusters of 10, 10 and 12 spaces respectively. These levels of parking both the car and cycles are appropriate for the site. It is not evident as to which of the spaces are designated for visitor use only and this can be secured via an appropriate condition for the avoidance of doubt.

The layout of the site in the main complies with our adopted standards in terms of geometry. The palette of materials to be used has been previously agreed. There appears to be space for a refuse vehicle to enter the site and turn around thus access should be available as the submitted Autotrack demonstrates. The layout is such that there are no boundary walls that would impact on visibility and thus visibility is unlikely to be compromised by the siting of plots 12 and 13 at the sole access to the site, or indeed at any other location.

Pedestrian access is catered for with 2 m footways on the main access into the site, and also to the rear of plots 1-22. There is a service strip fronting the rest of the plots and this should be adequate to ensure that the services are catered for.

I recommend that no highway objections are raised to the proposal subject to:

1. The road to be constructed under a section 38/278 agreement with the Highway Authority.
2. The parking areas to be retained for parking purposes only in perpetuity.
3. The visitor parking to be identified as such.
4. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use commencing.
5. Permitted development rights being removed with respect to the garages.

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea, Penllergaer Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to: [jim.marshall@swansea.gov.uk](mailto:jim.marshall@swansea.gov.uk) or the Team Leader, e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk), tel. no. 01792 636091

## **APPRAISAL**

The application seeks full planning permission for residential development of 49 units comprising of 22 three storey town houses and 27 apartments in three and two storey blocks with associated access, car parking, refuge and bicycle stores, landscaping and associated works at SA1 Swansea Waterfront, Swansea. The site is located between the northern side of Langdon Road and the dedicated priority bus and cycle route along the northern boundary which runs parallel with Fabian Way (the footway in this area is currently

the route of the Wales Coastal Path) and comprises land incorporated within Plots D8 and E1 of the SA1 Swansea Waterfront Masterplan.

The land to the north of Langdon Road (which includes the application site) has recently been cleared and regraded to form platforms for development in the eastern quarter of SA1. The vacant site is roughly rectangular in plan with a site area of 0.60 hectares. The site has a general fall of approximately 2m from the bus roadway to the north and Langdon Road and the level change across the site would be absorbed as the site gradually rises to the rear.

The general layout concept comprises two parallel blocks with frontages onto Langdon Road and the bus roadway to the north. It is proposed to construct 22 no. 'open market' three storey townhouses (10 x 3 bedroom units & 12 x 4 bedroom units) along Langdon Road and 27 no. affordable apartments in the form of one and two bedroom apartments (20 x 2 bedroom & 7 1 bedroom units) over two and three storeys to the rear. The townhouses are designed to provide a strong street frontage to Langdon Road with a dual aspect with the principal entrance from the rear. The respective blocks will look over a central courtyard car parking area. The primary materials would comprise reconstituted slate roofs and facing brickwork. Windows and doors would be composite powder coated aluminium and timber. A total of 77 car parking spaces are proposed including 6 visitor spaces with a cycle store provision of 32 spaces. Full details of the application are as per the accompanying plans and design and access statement.

### **Main Issues**

As detailed above, planning permission was granted in August 2003 for a mixed-use development of SA1 Swansea Waterfront, including residential Class C3 use. (Planning application 2002/1000 refers). The general land use principle within SA1 has therefore been established and further support is given to the principle of a major redevelopment area at SA1 for mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services by Policy EC2 of the adopted UDP. The main issues for consideration in this instance relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of residential development in terms of the layout, design and visual impact of the proposal. In addition, consideration is given to the impact of the proposed development on the character, appearance and relationship to the surrounding area, including residential amenity. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

An application submitted under section 73 of the 1990 Act to vary Conditions 1, 2, 3, 5, 7, 14, 16, 20, 21, and 27 of outline planning permission 2002/1000 was approved on the 11th October 2010 (planning application 2008/0996 refers). The application was made principally to allow changes to the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the outline planning permission as varied requires development to accord with the SA1 Swansea Point Masterplan (April 2010). Any departures from the approved Masterplan are to be considered on their merits having specific regard to the provisions of the adopted City & County of Swansea Unitary Development Plan Policy EC2 and relevant and related policy. In this respect, the land use element of the approved Masterplan allocates plots D8 / E1 for residential use over 2 - 3 storeys. The proposal is therefore considered in principle to be acceptable in land use and general massing terms.

The Section 106 Planning Obligation under the planning permission 2002/1000 requires a phased programme of affordable housing up to 10% of the total number of residential units within the development. The provision of the 27 no. affordable housing apartments would contribute to the overall provision of affordable housing within the SA1 development and would accord with the aspirations of Policy HC3.

In considering the specifics of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

Within the context of the overall development, the proposal further strengthens the approach to this eastern area of SA1 providing contemporary sustainable models of family housing. The general layout concept comprising two parallel blocks with frontages onto Langdon Road and the bus roadway around a central parking courtyard is welcomed. The scale of the development is appropriate to the context of the overall SA1 development. The roof design links together pairs of townhouses to form symmetrical pitched roofs with the strategy of attempting to replicate the aesthetic of a 'dockside warehouse'. The 4 bedroom townhouses are arranged in pairs providing a strong presence to Langdon Road. A similar approach is taken for the 3 bedroom townhouses, albeit each pair is slightly staggered along Langdon Road. The smaller scale apartments to the rear are predominantly 2 storeys in height, but incorporating elements of 3 storeys.

The two southern blocks of three storey townhouses creates a strong frontage onto Langdon Road which is enlivened by front doors, feature window projections and balconies. The townhouses would be set back off Langdon Road with modest front gardens with the front boundary treatment consisting of a low level (1100mm) high wall and black galvanised steel railings which will provide a clear definition between public and private ownership. This approach would strengthen Langdon Road as an active residential street with a domestic character as opposed to the more formal and commercial character which can be found at the western end.

The access road is proposed to be adopted and to avoid extensive areas of tarmac and to visually reduce the perception of a car dominated environment, it is proposed to utilise granite setts in the form of a vehicular cross-over, at the T-junction of the internal site road and the inclusion of the bands of setts extending from the entrance paths serving the northern/rear blocks to break up the linearity of the tarmac. The use of this material has already been widely agreed and used within the SA1 development area. Additionally, the car parking areas around the periphery of the courtyard would incorporate a permeable concrete block surface. The precise material and detailing may be approved through conditions.

Again, as explained above, the three storey houses use traditional materials including reconstituted slate and facing brick in a robust and modern manner to give the scheme a sense of place. This contemporary character is further demonstrated through the asymmetrical roofs and detailing to openings. This can be addressed by the standard materials condition. Overall, the design of the development is appropriate to its context and would provide a good mix of building forms with well-articulated elements.

Further relevant criteria of Policy EV1 is that new development does not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. In this respect it is considered that the size and

design of the development proposed would not unacceptably impact on any existing residential development within SA1. Moreover it is considered that the approved SA1 Masterplan provides sufficient comfort that the current proposal can be successfully integrated into the scheme as a whole without undue detriment to future occupants. In terms of future occupants within the development itself, it is considered that that the design and layout is such that the proposal would result in a good standard of residential amenity.

Overall the proposed development is considered to be of an acceptable standard of design that would fulfil the design objectives for sustainability, sense of place and community. The contemporary design approach is well-suited to its SA1 context. Having regard to the foregoing, it is considered that proposal is in accordance with the requirements of UDP Policy EV1. Furthermore, as per the provisions of Policy EV2 the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

Policy EV3 of the UDP requires new development proposals to provide access and facilities for all; provide satisfactory parking in accordance with Council adopted design standards; contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport. In this respect the Design and Access Statement confirms that the development will be designed using inclusive design principles to provide ease of access for all and will be in full compliance with Part M of the Building Regulations. Langdon Road is generally level, whilst levels within the site have been set to ensure that gradients are acceptable for wheelchair use without the need for ramps. It is the intention that Langdon Road will have a regular bus service whilst at present bus services are available approximately 300 metres to the West on Langdon Road. The proposed development is sustainably located close to the centre of Swansea on a brownfield site and is well linked by shared cycle and pedestrian routes. The proposal is therefore considered to be in accordance with the requirements of Policy EV3.

Policy EV4 of the UDP relates to public realm. In this respect, the proposed active residential use for Langdon Road is considered to provide a good degree of active frontage to that key area of public realm. The proposal is therefore considered to be in accordance with the provisions of Policy EV4 of the UDP. As stated, a condition is however recommended to provide appropriate control of the precise design of the hard/soft landscaping scheme and means of enclosing the site, as well all other aspects of the development's interface with adjoining areas of public realm.

### **Transportation**

The development will provide a total of 77 spaces. Each townhouse is allocated 2 spaces, with the affordable apartments allowing for 1 space for unit, with a provision of 6 visitor parking spaces. This is considered to be an appropriate level of parking provision in the context of the Council's car parking standards, the site's sustainable location and the likely car ownership levels across the development as a whole. Having regard to the site's proximity to the City Centre, its accessibility by a range of transport modes and the provision made to encourage pedestrian and cycle access/use, it is considered that the proposal satisfactorily accords with UDP Policies AS1 (new development proposals), AS2 (design and layout), AS5 (walking and cycling) and AS6 (parking).

### **Archaeological Constraint**

UDP Policy EV6 seeks to protect, preserve and enhance sites of archaeological potential. An archaeological desk based assessment was made prior to the wider development of the SA1 Waterfront area commencing, which resulted in the attachment of a condition for an archaeological Written Scheme of Investigation for the wider area. The Archaeological

Assessment provided in the support of this current proposal has re-listed the archaeological interests within the area. Glamorgan Gwent Archaeological Trust (GGAT) indicate that archaeological remains are likely to be present in the application area and the impact will need to be mitigated. GGAT recommend that a condition be imposed requiring the applicant to submit a programme of archaeological work comprising an archaeological watching brief, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed. Subject to the imposition of such a condition, it is considered that the development would be in accordance with the provisions of Policy EV6.

### **Drainage and Flood Risk**

A Flooding and Drainage Statement has been submitted with the application. This indicates that the application site is fully serviced with a foul drainage connection on Langdon Road. The surface water will be connected to the existing SA1 infrastructure which discharges into the Prince of Wales Dock. Welsh Water advise that no problems are envisaged in terms of the treatment of domestic waste from this site and request that conditions be included within any planning permission granted to ensure no detriment to existing residents or the environment and to Welsh Water assets. Subject to the imposition of such conditions, it is considered that the proposal would be in accordance with the requirements of UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters) and EV35 (surface water run-off).

The wider SA1 Flood Consequences Assessment indicates that the extreme flood event for the 1 in 1000 (0.1%) is 6.82m. Whilst the minimum proposed level across the application site is 10m AOD and therefore there is no flood risk across the site. NRW raise no objections accordingly.

### **Ground Contamination**

Policy EV38 indicates that development proposals on land where there is a risk from contamination will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled water, or the natural and historic environment. A Geo Environmental Report has been submitted with the application. NRW and the Head of Environment, Management and Protection have raised no objections subject to the imposition of conditions in respect of land contamination. Additionally, for a condition to be imposed for a Construction Management Pollution Plan to be implemented and informatives in respect of construction noise, smoke/burning of materials and dust control.

### **Ecology**

Policy EV2 (v) requires undertaking, at the earliest opportunity, an assessment of species and habitats on site and when planning permission is granted, implementing any necessary mitigation measures. A Phase 1 Habitat Survey and Reptile Mitigation Strategy has been submitted with the application. This concluded that the site was of low biodiversity value with limited potential to support reptiles. The Council's Ecologist has endorsed its conclusions but recommends that a condition be imposed for a reptile mitigation strategy to be implemented in accordance with the submitted A Phase 1 Habitat Survey and Reptile Mitigation Strategy report.

## **Conclusion**

In conclusion it is considered that the proposed development is acceptable when assessed against the provisions of Development Plan policy, adopted Supplementary Planning Guidance and the approved Design and Development Framework for SA1. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended.

## **RECOMMENDATION:**

### **APPROVE, subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents: [A-90-01 Site Location Plan (12 Jan 2015), A-90-100 (Site Plan), A-90-300, A-90-301, A-90-302, A-90-140, A-00-100, A-00-200, A-00-300, A-00-201, A-21-500, A-21-501, A-00-500, A-00-501, A-00-600 & A-00-700 (amended plans received 24 March, 2015)]

Reason: To define the extent of the permission granted.

- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of super structure works, details at an appropriately agreed scale of the following shall be submitted to and agreed in writing by the Local Planning Authority:

- Typical window unit within its opening;
- Typical external door within its opening;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed;
- Details of the location, extent, design and finish of all visible external ventilation;
- Balconies;
- Rainwater goods.

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

Reason: In the interests of visual amenity.

- 5 Notwithstanding the details shown on any approved plan, the precise design, extent and height of all means of enclosure within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be built in accordance with the approved details.

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

- 6 Notwithstanding the details shown on any approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The scheme shall include details of all external lighting, bin stores, bicycle parking, and external surfacing to vehicular and pedestrian circulation and car parking areas within the communal areas and shall be carried out as an integral part of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 7 The levels of the residential buildings and access road shall be constructed in accordance with the details indicated in the approved drawings unless otherwise amended by details 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.

- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: It is considered that the controlled waters at this site are of high environmental sensitivity, being on Secondary Aquifer and contamination is known/strongly suspected at the site due to its previous industrial uses.

9 Prior to occupation of any part of the permitted development, 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.

10 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.

11 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: Given the size/complexity 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.



- 12 No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approval details.  
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 13 No development approved by this permission shall be commenced until a Construction Pollution Management Plan detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
Reason: To prevent pollution of controlled waters and the wider environment.
- 14 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Order) 2013, (or any Order revoking or amending that Order), Classes A, B, C, D, E, F, G & H of Part 1, Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Order) 1995 and Part 40 (micro-generation) of the Town and Country Planning (General Permitted Development) (Amendment) (Order) 2012 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 16 The garage(s) indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.  
Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.
- 17 Unless otherwise agreed in writing by the Local Planning Authority, details of a single satellite television system solution incorporating all residential units shall be submitted to and approved in writing prior to the commencement of superstructure works. The system shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.

- 18 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.
- 19 Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.  
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occur to the environment or the existing public sewerage system.
- 20 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 21 The access spur from Langdon Road into the development shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
- 22 The development shall be carried out in accordance with a travel plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development commencing. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 23 The development shall be implemented in accordance with the recommendations of the Phase 1 Habitat Survey and Reptile Mitigation Strategy.  
Reason: In the interests of ecology.

## **INFORMATIVES**

- 1 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 2 The Construction Pollution Management Plan (CPMP) shall include the following:
- a) Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations).

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

- 3 Construction Noise:  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
The Local Authority has the power to impose the specified hours by service of an enforcement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 Smoke/ Burning of materials:  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 5 Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

- 6      Lighting:  
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting.
  
- 7      The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, EV4, EV33, EV34, EV35, EV38, EV40, EC1, EC2, HC12, HC3, AS1, AS2, AS5 & AS6)