

**PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015**

ITEM 1

APPLICATION NO.

2015/0393

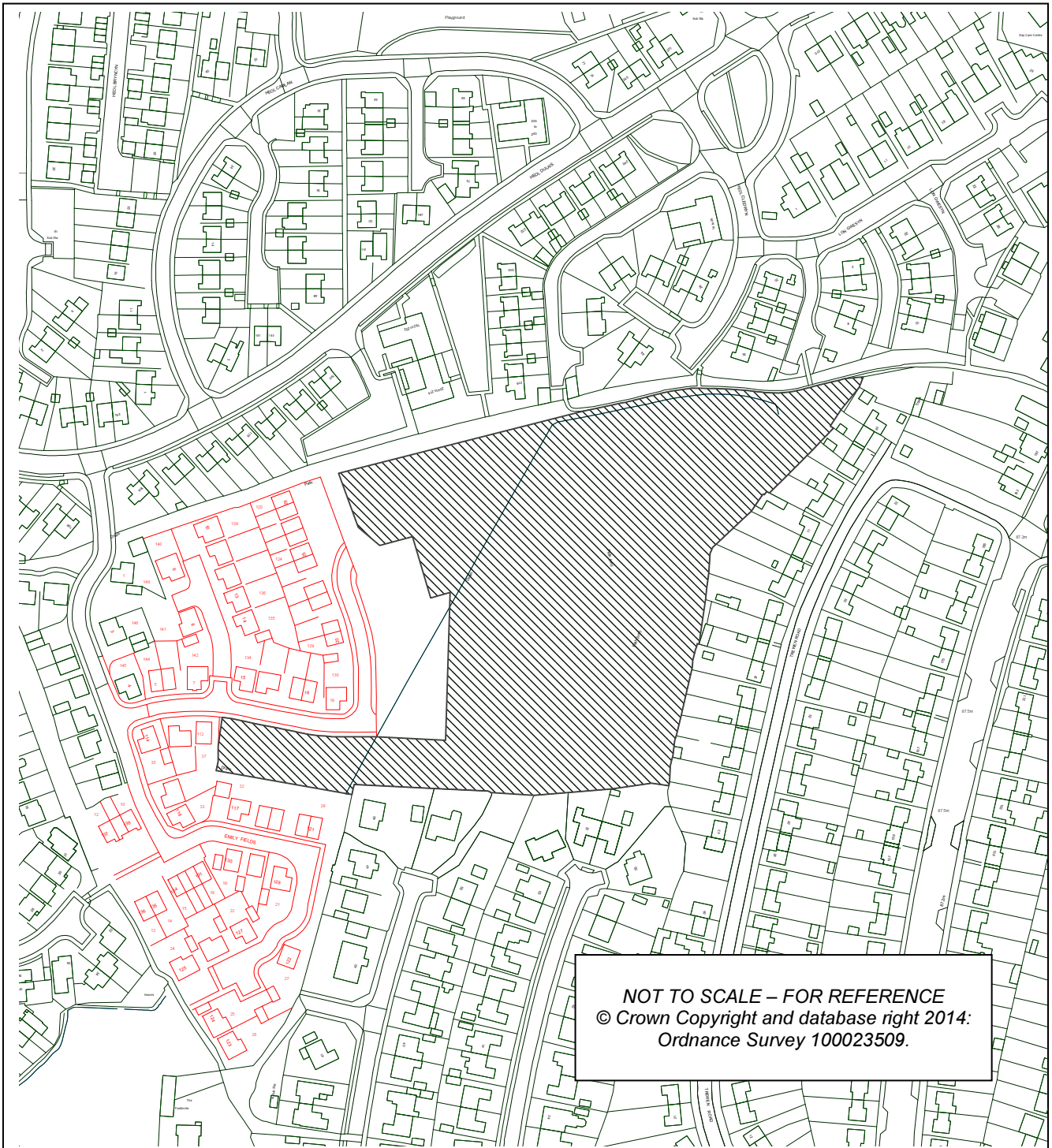
WARD:

Llansamlet

**Location:** Land South of Heol Dulais, Birchgrove, Swansea

**Proposal:** Residential development of 75 dwellings and associated works (amendment to 76 dwelling plots approved under planning permission 2013/1114 for 'Construction of 148 residential units and associated works')

**Applicant:** Persimmon Homes West Wales



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**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS4	Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)
Policy AS5	Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

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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. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV39	Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)	

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
77/0564/02	RESIDENTIAL DEVELOPMENT - 167 DWELLINGS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/07/1977
2015/0415	Amendment to house type to include rear conservatory (amendment to planning permission 2013/1114 granted 8th May 2014) Decision: Grant Permission Conditional Decision Date: 22/05/2015
2013/1114	Construction of 148 residential units and associated works Decision: Perm Subj to S106 Agree Decision Date: 08/05/2014

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2015/0264	Non Material Amendment to planning permission 2013/1114 granted 8th May 2014 to allow the construction of the dwellings without the need to meet Code 3 for Sustainable Homes as stated in conditions 23, 24 and 25 Decision: Grant Permission Unconditional Decision Date: 09/03/2015	
2014/0359	Increase in ridge height to provide living accommodation in the roof space, front and rear rooflights, rear Juliette balcony and side canopy Decision: Grant Permission Conditional Decision Date: 22/05/2014	

### RESPONSE TO CONSULTATIONS

The application was advertised on site, in the press, and eighty four properties were consulted. THREE LETTERS OF OBJECTION have been received which may be summarised as follows:

1. The plans indicate offices within the dwellings. Is the development for residential or commercial use?
2. The application forms refer to 4 bed properties proposed, however, there are no floor plans for 4 bed properties.
3. Concerns the restricted access to Heol Cledwyn has been removed.
4. The plans indicate an increase in the impermeable area. Has the applicant demonstrated that the surface water drainage network is design to take into consideration this increase?
5. Concerns regarding the impact of mine workings on the proposed dwellings.
6. Concern regarding the height of the development in relation to neighbouring properties.
7. Concerns the financial contributions required by the original planning permission have not resulted in any improvements to the area.
8. Concerns regarding where children would play as the community centre is closed. Heol Las park is too far away and there are safety concerns regarding Parc Y Helig.
9. Concerns regarding the noise from the development site and associated traffic and concerns that residents are having problems parking outside of their houses.

#### Coal Authority 17.03.15

The LPA have consulted the Coal Authority on the discharge of Planning Condition 2: *to ensure that the remedial measures identified in the Supplementary Site Investigation Report to be carried out on site and a verification report submitted to the LPA on completion*, however at the time of our letter to the LPA dated 30 June 2014 it would appear that the remedial works on the site had not yet taken place and therefore the Coal Authority were unable to recommend that the LPA discharge planning Condition 2 at that time.

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Notwithstanding the above, as this planning application is only for the substitution of house types on a previously approved scheme where coal mining legacy issues have been identified and mitigation measures proposed, a Coal Mining Risk Assessment is not necessary for this proposal and the Coal Authority **do not object** to this planning application.

### Dwr Cymru Welsh Water (DCWW) 23.04.15

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Natural Resources Wales (NRW) 9.03.15

NRW does not wish to comment on the above proposal.

However, we would refer you to the matters raised in our previous response, dated 6th January 2014 (Ref: SH/2013/115422/04-L01). In addition, we ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

### Glamorgan Gwent Archaeological Trust 30/03/15

The application site is the site of the former Emily Pit opened in 1839 and is marked as disused on the Second Edition OS map of 1899. It is likely therefore that the work will impact on the remains and we recommend that a condition be attached to any consent granted by your Members to ensure that the necessary archaeological works are undertaken to identify and record the features. Our advice remains unchanged.

### Planning Ecologist 20.03.15

You sent me a consultation for the amended house types for application 2013/1114. I don't think the changes affect my (original) comments they still stand.

### Drainage and Coastal Management 11.03.15

The application seems to indicate that there will be an increase in impermeable area as a result of the amendments. The applicant is required to demonstrate that the surface water drainage network is designed appropriately to take any additional areas without increasing flood risk.

### Drainage and Coastal Management 10.08.15

These (drainage calculation) details are acceptable for the re-plan.

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### Pollution Control Division 23.03.15

Request standard conditions in relation to contamination not previously identified, a construction pollution management plan and standard informatives in relation to construction noise, smoke/burning of materials, dust control and lighting.

### Parks Department

No response received to date.

### Education Department

No response received to date.

### Highways Observations 29/07/14

The principle of residential use at the site has already been established. There were Section 106 highway contributions sought under the original planning permission and these will continue to be required in accordance with the Section 106 agreement that has been signed off/agreed.

The re-plan now includes for 75 new dwellings with house types being substituted from the previous approved scheme. A succession of amendments has been sought and submitted and the current version of the site plan for consideration is PL-01B.

The scheme currently has consent for a 148 dwelling development (2013/1114) and this application seeks to re-plan part of it. Works have already commenced on site.

Parking in the main is provided at 2 parking spaces per plot, the exception being plots 58 to 61, and plots 86-87 which have one space each. These levels are comparable with the previous approved scheme and are appropriate given the local amenities/public transport provision in the vicinity. Parking is a mixture of garages, drives and courtyard style parking. The parking is in the main conveniently situated within the curtilage, and where not affords a level of surveillance.

The flats at the bottom right hand corner have been removed and replaced with two pairs of semis but the rest of the changes are house type and siting only.

The site is accessed via a single vehicular access point off Heol Dulais with an emergency access point (controlled by a removable bollard off Heol Cledwyn. This originally formed a second access point but at Development Control Committee where the application was considered it was deemed that it would have too much of an impact on parking on Heol Cledwyn hence it was removed from the proposal and made an 'emergency access only'. A plan has been submitted to this effect detailing the proposals which are acceptable.

The layout of the access road is similar to the previously approved layout. Persimmon have opted to not have the roads adopted under a section 38 Agreement and a private management company will oversee the maintenance repairs etc.

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Given the existing consent and the fact that the principle of the use has already been established then I recommend that no highway objections are raised to the proposals subject to:

1. Permitted development rights being removed with respect to the garages.
2. The localised carriageway narrowing on the access point on Heol Cledwyn being undertaken in accordance with the approved plans. Details should be made available of keyholders should the access need to be used for any purpose.
3. The front boundary walls being kept below 1m in the interests of visibility.
4. Street lighting will need to be provided in accordance with details to be submitted for approval to the LPA.
5. Contributions required under the agreed Section 106 Agreement shall be provided as per the previously agreed timescales.

### APPRAISAL

This application is reported to Committee as it exceeds the development threshold set out in the scheme of delegation.

The proposal is for a re-plan of a residential development approved for 148 dwellings under Planning Ref: 2013/1114 at Heol Dulais, Birchgrove. This re-plan relates to the western portion of the site described as phase two by the applicants, Persimmon Homes.

This application was originally submitted as a re-plan for 82 dwellings, however, following officer concerns regarding the proposed design and layout of the development, the scheme has been amended to re-plan 76 of the approved plots and reduce the number of dwellings down to 75. Therefore, the number of dwelling now proposed across the overall site would be 147 dwellings.

The reasons cited by the applicant for the re-plan are to introduce a greater number of 3 bedroom properties and fewer 2 and 4 bedroom dwellings.

### The Site and its Surroundings

The site comprises land that formed part of the former Emily Pit and because of this the development has been named 'Emily Fields'. The approved development is currently under. The site is surrounded by residential development on all sides. To the north of the site are Heol Dulais and Heol Cledwyn. To the east is Trewen Road. To the south Rhyd y Coed and Glan Bran Road, and to the west the Fairways estate, which includes Ffordd Scott and Cwrt Olwyn Dwr.

In the main the site is enclosed by the rear boundaries of existing properties, but there are several footpath links to the surrounding areas. The site is generally devoid of surface features, save for the steeply sloping historic tipped areas in the north east section of the site, which contribute to the significant rise in levels across the site of some 28 metres from west to east.

In the wider area the site lies to the north of the M4. Local services and facilities in the area include Birchgrove Primary School and Birchgrove Secondary School which lie to the north east of the site.

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A large food store is located some 100m to the north, Birchgrove Community Centre is some 150 metres to the north east and Heol Las Park is some 250 metres to the north west. Overall therefore the application site is considered to be within a relatively sustainable location.

The original development was screened to assess whether an Environmental Impact Assessment would be required in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). It was concluded that in view of the nature, scale and location of the proposal that an Environmental Impact Assessment would not be required. As this development relates to a smaller site area and as there have been no significant changes in circumstances since the original application was screened, it is not considered necessary in this instance to provide a revised screening opinion for this development.

### **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of the revised layout in terms of: the impacts of the development on the character and appearance of the area; the impacts on the residential amenities of the occupiers of existing dwelling as well as the future occupiers of the development; the impact of the development on access, parking, highway safety and impacts on environmental interests. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Under the provisions of Section 54A of the Town and Country Planning Act 1990 (as amended) planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP), which was adopted on 10<sup>th</sup> November 2008.

The UDP policies relevant to this application are Policies EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV6 (Ancient Monuments and Protected Archaeological Sites), EV35 (Surface Water Run-Off), EV38 (Contaminated Land), EV39 (Land Instability), HC1 (Housing Sites), HC3 (Affordable Housing), HC17 (Planning Obligations), HC24 (Play Areas/Public Open Space), AS1 (New Development Proposals), AS2 (Design and Layout), AS4 (Public Access Routes), AS5 (Walking and Cycling) and AS6 (Parking).

The application site forms part of an allocated housing site in the UDP under Policy HC1 (Housing Sites) (4) 'Emily Site', thus the principle of residential development on this site is acceptable in accordance with the UDP housing strategy furthermore the site benefits from an extant planning permission.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is also relevant to the consideration of this application and has been used to consider requests for contributions in respect of affordable housing (see also HC3); education provision; outdoor play space (see also HC24) and transportation (see also AS1, AS2, AS6 and EV3).



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The applicant has submitted drainage information in order to give full consideration to the implications of surface water run-off and land drainage runoff from the site, including the consideration of the use of sustainable drainage systems in accordance with Policy EV35.

With regard to land contamination and land stability issues UDP Policies EV38 and EV39 are relevant and require developers to mitigate any potential significant impacts.

The Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide' adopted in 2014, which relates to developments of 10 or more houses. This document contains information on design requirements and amenity standard. The SPG is therefore also a material consideration in this instance.

### **Design and Layout**

The application site is surrounded on all sides by existing housing. The character of the built form in the area is mixed. Heol Dulais and the surrounding roads to the north are principally defined by post war two storey semi-detached dwellings. Trewen Road to the west of the site is dominated by post war terraced and semi-detached dwellings. To the south Rhyd y Coed and Glan Bran Road are mainly characterised by bungalows likely to have been built in the 1960's and 1970's, whereas the Fairways estate to the west is a modern housing development comprising of two storey dwellings. In view of the mixed character of the area there is no specific architectural style or development pattern that the proposal would need to adhere to, however, Policy EV1 requires developments to be appropriate to their local context in terms of scale, height, massing, elevational treatment, materials, detailing, layout, form, mix and density.

The revised layout follows the same road layout as previously approved. The main differences between the approved scheme and that now proposed is the provision of revised house types which has resulted in changes to the street scenes within the development.

Amendments have been made to the scheme during the course of the planning application to improve the overall design of the development and to address officer concerns in respect of: the design of the dwellings, particularly in key locations; boundary treatments visible from the public realm and residential amenity impacts.

The design principles of the revised scheme generally follows that of the original scheme the streets are directly overlooked by housing frontages. Two of the corner turning units have been omitted and it is recommended that the dwellings on these plots contain at least one habitable window overlooking the access road in order to provide visual interest and natural surveillance. This matter can be addressed by a planning condition.

Vehicular access to the development would be retained off Heol Dulais, with a pedestrian and cycle access via Heol Cledwyn. A scheme has been submitted to narrow and restrict vehicular access through Heol Cledwyn for emergency use only.

In terms of off street parking provision, the layout accommodates parked cars in a manner which generally does not dominate the street scene with the majority of parking provision to the sides of dwellings which has allowed dwellings to be pushed forward, thus providing a more attractive and enclosed street scene.

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Turning to the form of housing proposed, like the approved development the proposed layout would be dominated by two storey dwellings, however, a 2.5 storey town house unit has been introduced on 16 plots. Four of these units will replace the previously proposed 2.5 storey block of flats at the top of the open space area. A range of dwelling sizes are proposed which break down as follows: 16x 4 bed units, 49 x 3 bed and 10 x 2 bed. This mix has increased the number of 3 bed units and reduced the number of 4 bed and 2 bed units, but would provide an acceptable mix of housing sizes across the site.

The design of the house types are considered to be satisfactory and the materials' palette would follow those already approved on the site which includes buff bricks and ivory render with grey tiled roofs – all of which respond to the character of the area and would create an interesting streetscene. Side and rear boundaries fronting the public realm are generally proposed to be brick in order to be robust and good quality, however, there are some instances where additional brick walls are required and this can be secured by condition. There is no strong architectural character to this locality and it is considered that the proposal would provide a distinctive sense of place, whilst respecting the surrounding built form.

The open space would still be sited in a prominent location in the south eastern corner of the site, where it is well overlooked by surrounding dwellings. Whilst the open space will be on sloping land, it will provide a sizable informal amenity area for the occupiers of the development and wider area.

There are a number of existing pedestrian links to the site from surrounding roads. These have once again been successfully incorporated into the site layout.

In terms of landscaping, an indicative scheme has been provided, however this does not indicate the level of tree planting approved under the approved landscaping scheme for the development. The provision of satisfactory landscaping will therefore be required by a condition and it will be expected that the landscaping scheme shall follow the principles of that previously approved which included the provision of tree planting to the embankments within the site and mitigation planting for the loss of wildlife habitat. It should be noted that the replacement tree planting required by the previous planning permission the rear of Cwrt Olwyn Dwr has now been implemented.

In light of the above, therefore, the proposal is considered to represent a satisfactory form of development and would accord with the provisions of Policies EV1 and EV2.

### **Residential Amenity**

In terms of the impact of the development on the residential amenities of existing occupiers, the separation distances proposed to neighbouring occupiers are similar to those previously approved. Along the northern, eastern and southern boundaries of the site the separation distances proposed to existing properties would be in excess of those specified within the SPG. As such the proposals would not, it is considered, result in any significant residential amenity impacts to existing occupiers on Rhyd Y Coed, Heol Dulais, Heol Cledwyn or Trewen Road.

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In terms of the residential amenities of the future occupiers of the development, in order to address officer concerns regarding the separation distances internally between dwellings within the site, the plans have been amended to ensure these separation distances now accord with the guidance within the SPG. This would mitigate any significant residential amenity impacts to the future occupiers of the development. The proposal would therefore be in accordance with the provisions of Policy EV1 and the SPG document.

### **Access and Highway Safety**

The consented scheme is for 148 dwellings and the current scheme would reduce the overall numbers on the development site to 147 dwellings. The site is accessed via a single vehicular access point off Heol Dulais with an emergency access point (controlled by a removable bollard) off Heol Cledwyn.

Parking in the main is provided at 2 parking spaces per plot, the exception being plots 58 to 61, and plots 86-87 which have one space each. These levels are comparable with the previous approved scheme and are appropriate given the local amenities/public transport provision in the vicinity. Parking is a mixture of garages, drives and courtyard style parking. The parking is in the main conveniently situated within the curtilage, and where not affords a level of surveillance.

The Head of Transportation and Engineering considers the internal site layout to be satisfactory and parking proposed to be in accordance with adopted guidelines.

As per the previous consent, the roads are not proposed to be adopted and will be maintained by a private management company.

Having regard to the forgoing the Head of Highways and Transportation recommends no highways objection to the development, subject to the requirements outlined in the Highway Observations above which can be secured by a Section 106 planning obligation and conditions.

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

### **Viability / Section 106 Issues**

The site benefits from an extant planning permission for 148 dwellings. The consented scheme is subject to a Section 106 planning obligation which requires financial contributions for improvements to Heol Las Park (£65,000) and highway safety improvements (£60,000). This fall-back position is a material consideration in the determination of this planning application.

HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposal obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects.

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The Planning Obligations SPG notes that where developers contend that Section 106 requirements would render a scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence.

When the previous planning application was considered the applicant submitted a viability appraisal which highlighted the significant abnormal costs associated with the development of the site. Having regard to the viability assessment it was accepted at the time that in order to deliver the development, the site could not bear the various contributions requested by Highways (save for £25,000), Parks, Education and Housing. It was also considered that the positive benefits of developing the site in terms of providing a sustainable development, improving pedestrian links in the area and putting to good use a site that had experienced fly tipping and anti-social behaviour, would outweigh the infrastructure impacts arising from the development.

Notwithstanding this, following further discussions with officers and Llansamlet Ward members, the applicant revisited their development appraisal and offered an enhanced highways contribution and a parks contribution described above, which were secured by a Section 106 planning obligation.

In support of this application the developer has submitted an updated viability appraisal which identifies that whilst revenues have increased, build costs and abnormal costs have also increased, furthermore, the scheme has now been reduced by one unit. The viability appraisal again demonstrates the viability of the scheme would be challenged, should further contribution requests be sought.

The trigger point for payment of the S106 contribution was the occupation of the 37<sup>th</sup> dwelling on the site. The trigger point has recently been met and the applicant has advised that the appropriate transfer of funds to the Local Authority has been requested. At the time of writing, confirmation of receipt of the payment has not been received. Consequently, and having regard to the updated viability information and in view of the fall-back position afforded by the consented scheme on the site, it is recommended that the applicant enters into a further Section 106 planning obligation in order to secure the contributions previously negotiated and agreed, as described above. Members are advised that should confirmation be received that the payment has been received prior to Committee, it will not be necessary to enter into a further S106 agreement in relation to financial contributions. An update will be given at Committee on the situation.

### **Ecological Issues**

An extended Phase 1 habitat survey was submitted with the original planning application which identified a population of common lizards at the site. The lizards have now been relocated to a receptor site at Swansea Vale as such this ecological matter has been addressed.

The landscaping scheme submitted with the original development provided suitable mitigation for the loss of marshy grassland habitat at the site through mitigation planting and it will be a requirement that the landscaping scheme for the revised layout will need to provide suitable mitigation for this loss of habitat. The provision of a revised landscaping scheme will be required by condition.

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The applicant has previously submitted a scheme for the eradication of Japanese Knotweed at the site and the implementation of this scheme will once again be required by a planning condition.

The planning ecologist and NRW have not raised any additional ecological issues over and above those raised when the original application was considered.

In view of the above, therefore, the proposal is considered to be acceptable in terms of its impacts on ecology in accordance with UDP Policy EV2.

### **Drainage Issues**

The drainage strategy for the development remains as previously considered and approved. Surface water from the development will be discharged at an attenuated rate to a local watercourse. The surface water system will be maintained by a private management company. Foul water will be discharged to the mains sewer on Heol Dulais.

The development of the site to date has led to several instances of local flooding during storm events, which has affected a number of local residents. These flood events are thought to have resulted, in part, from the vegetation being stripped from the site and inadequate measures being put in place by the developer's contractor to control surface water runoff during the construction phase.

Following these flooding events several meetings have also been held with local residents, local ward Councillors, the Council's drainage engineer, Dwr Cymru Welsh Water, the developer and their contractors in order to manage this situation. Further mitigation measures and a scheme of checks have now been put in place on site in order to manage this situation and the residents affected by the surface water flooding have been contacted separately by the developer to make good any damage. This situation will continue to be managed by the developer in consultation with the Council's drainage engineers.

Following these flood events Dwr Cymru Welsh Water have undertaken surveys and analysis of the mains sewer in the area to ensure that there is capacity within the system to accommodate the foul flows from the development. Notwithstanding this, Dwr Cymru Welsh Water has not raised any drainage capacity issues within their consultation response to this planning application. This accords with their response to the original application where no concerns were raised in this respect.

The re-plan has resulted in an increase in the impermeable area of the development. The Council's drainage engineer has therefore required the developer to submit drainage calculations which confirm that the surface water drainage system can accommodate the surface water flows from the revised development layout without flooding. On this basis the Council's drainage engineer has raised no objection to the revised proposals.

In view of the above the drainage proposals are considered to be satisfactory and in accordance with UDP Policy EV35.

### **Land Contamination Issues**

The original application was accompanied by site investigation reports which identified elevated levels of contaminants at the site together with remediation measures. The Pollution Control Division has requested conditions in relation to unsuspected contamination, should it be found at the site, together with the provision of a construction pollution management plan. These requirements can be secured by conditions.

### **Archaeological Issues**

Policy EV6 requires developments to have regard to potential archaeological interests. The site is located outside of any archeologically sensitive areas, however, in view of the historic use of the site as a former coal pit, a condition was imposed on the original permission requiring an archaeological scheme of investigation to be provided. This archaeological work is ongoing during the construction phase and the provision of a final report of the findings of this work can be secured by a planning condition.

### **Coal Mining Issues**

The application site is located within a defined coal mining development referral area as advised by The Coal Authority. Policy EV39 requires that developments that might be affected by potentially unstable land will not be permitted unless the Council is satisfied that proposals to make the land capable of supporting the development are adequate.

The original application was accompanied by a report detailing mitigation measures for the former mine workings within the site, the implementation of these measures was secured by a planning condition. The developer has since refined these mitigation measures following further site investigations and separate discussion with the Coal Authority, who have offered no objection to this application. However, it is once again recommended that the mitigation measures are secured by a planning condition, in the interests of health and safety.

### **Other Issues**

Concerns have been raised in letters of objection that parts of the development may be used for commercial purposes because offices are indicated on the floor plans of some of the dwellings. Concerns have also been raised that floor plans are not available to view for the 4 bed properties. In response to these concerns the floor plans indicate that some of the smaller bedrooms within the dwellings could be used for home working areas, rather than sleeping accommodation. How these spaces are used is ultimately a matter for the future occupiers provided that the use of the dwelling would remain within the C3 use class. In terms of the floor plans, all floor plans for the house types have been available to view on the Council's website.

Concerns have been raised in a letter of objection that the restricted vehicular access to Heol Cledwyn has not been indicated on the proposed plans. The details of the restricted vehicular access have now been provided and will be secured by a planning condition, which will restrict the use of this access by vehicles other than for emergency purposes only.

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Concerns have been raised in a letter of objection that the financial contributions required by the original planning permission have not resulted in any improvements to the area. At the time of writing, the trigger for providing these contributions has not been reached and as such the planned improvements have not yet been undertaken.

Concerns have been raised in a letter of objection regarding where the children from the development would play. In response to this concern there is an open space area on the site which will provide an area of informal play space. Heol Las Park is the closest formal play facility and is sited approximately 400m from the development.

Concerns have been raised in a letter of objection regarding the impact of construction traffic upon neighbouring residents in terms of noise, traffic and parking issues. Whilst it is acknowledged that there will be some disturbance to local residents in this respect, this will be limited to the duration of the build programme and any significant impacts should be mitigated through good building practice and site management. Any significant noise or disturbance impacts can be dealt with through environmental health legislation.

### **Conclusion**

The proposal is for the re-plan of part of an approved development of 148 dwellings at the Emily Fields site in Birchgrove. The proposal is considered to be satisfactory in terms of its impacts on the character and appearance of the area, its impacts on residential amenity and its impacts on access, parking and highway safety.

The applicant has demonstrated through a further viability appraisal that the development cannot bear any further Section 106 contribution requests over and above those previously agreed and secured under the original planning permission on the site.

In light of the above the proposed re-plan development is considered to be satisfactory in accordance with UDP Policies, approval is therefore recommended.

### **RECOMMENDATION**

**APPROVE, subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- a highway contribution of £60,000 to fund Safer Routes in Communities schemes in the locality.
- a contribution of £65,000 to fund the upgrade of Heol Las Park .
- details for future maintenance and management of the roads and public open space.

### **RECOMMENDATION**

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

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ITEM 1 (CONT'D)

APPLICATION NO.

2015/0393

- 1 The development shall be carried out in accordance with the following approved plans and documents: Morden - MR-WD16 Rev. J, 1104 Unit - 1104-V2, Chedworth - CD-WD10 Rev M, Hanbury - HB-WD16 Rev P, Hatfield - HT-WD16 Rev P, Rufford - RF-WD16 Rev P, Roseberry - RS-WD16 Rev S, Souter - SU-WD16 Rev R, Garages - SGD-01 received 27th February 2015. Clayton Corner CCA-WD10 Rev. F received 23rd March 2015. Carriageway narrowing at Heol Cledwyn - SK022 received 28th July 2015. Planning Layout - PL-01B received 5th August 2015. Landscaping strategy LS-01, Boundary Enclosures Layout - BE-01, External Works Layout - EW-01, Materials Layout - MAT-01 received 13th August 2015. Site location plan SLP-01 received 14th August 2015.

Reason: To define the extent of the permission granted.
- 2 The remedial measures to treat the mine workings identified in the Supplementary Site Investigation Report dated June 2013 and any subsequent amendments to those measures made in consultation with the Coal Authority, shall be implemented prior to the development of any house plots within the zone of influence of any mine workings on the site. A verification report shall be submitted to the Local Planning Authority for approval within two months of the completion of the remedial works.

Reason: To ensure the risks from the coal mining legacy at the site are suitably addressed in the interests of health and safety.
- 3 The developer shall ensure that a qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. A copy of the watching brief shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during works, in order to mitigate the impact of the works on the archaeological resource.
- 4 The Japanese knotweed scheme submitted to satisfy the requirements of condition 4 of planning permission 2013/1114 shall be fully implemented in accordance with the terms of that scheme.

Reason: In the interests of the ecology and amenity of the area.
- 5 Unless otherwise agreed in writing by the Local Planning Authority the controlled rate of discharge for surface water from the site shall be no greater than 28.47l/s.

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



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ITEM 1 (CONT'D)

APPLICATION NO.

2015/0393

- 6 The foul water and surface water drainage scheme for the site shall be implemented in accordance with the details indicated on the engineering drawings hereby approved and the surface water drainage calculations received 10th August 2015.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water runoff.
- 7 The ownership and maintenance of the surface water system shall be in accordance with the details submitted to satisfy the requirements of condition 7 of planning permission 2013/1114, unless otherwise agreed in writing by the local planning authority.  
Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.
- 8 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: In the interests of health, safety and to ensure no detriment to ground waters through environmental pollution.
- 9 The Construction Pollution Management Plan submitted to satisfy the requirements of condition 12 of planning permission 2013/1114 shall be adhered to at all times for the duration of the on site works.  
Reason: To ensure minimal nuisance impact to surrounding occupiers from construction activities and to protect the environment.
- 10 No piling shall take place on site unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of preventing ground water pollution.
- 11 Notwithstanding the details indicated on the approved plans, the materials strategy at the site and details of the external finishes, including boundaries, shall be submitted to and agreed in writing by the Local Planning Authority prior to any superstructure works commencing on any dwellings. The development shall be completed in accordance with the approved details.  
Reason: In the interests of visual amenity.

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ITEM 1 (CONT'D)

APPLICATION NO.

2015/0393

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C, D and E of Schedule 2, Part 1 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), other than those enclosures indicated on the approved plans, no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
Reason: To ensure that the design/layout is not prejudiced by uncontrolled development.
- 14 The garages 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 visual amenity.
- 15 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with the details submitted to satisfy the requirements of condition 28 of planning permission 2013/1114.  
Reason: In the interests of pedestrian and highway safety.
- 16 Notwithstanding the details indicated on the approved plans, within 3 months of the date of this planning permission a detailed scheme for landscaping the site shall be approved in writing by the local planning authority. The landscaping scheme shall follow the principles of the landscaping scheme approved under planning permission 2013/1114 (Drawing Nos. 821.01/01 Rev A and 821.01/02 Rev A). The approved scheme shall be carried out within 12 months of the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die or become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: In the interest of visual amenity and ecology.
- 17 Notwithstanding the details indicated on the approved plans, vehicular access to Heol Cledwyn shall be for emergency access only. The scheme to restrict the access shall be implemented in accordance with the details indicated on Plan No. SK022 prior to the completion of the development.  
Reason: In the interests of highway safety.

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ITEM 1 (CONT'D)

APPLICATION NO.

2015/0393

- 18 Notwithstanding the details indicated on the approved plans the Chedworth units on plots 57, 88 and 104 shall contain a minimum of one habitable room window in the side elevation facing the access road in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any construction works taking place on these plots. The development shall be completed in accordance with the approved plans.

Reason: In the interests of visual amenity and community safety.

### INFORMATIVES

- 1 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: AS1, AS2, AS4, AS5, AS6, EV1, EV2, EV3, EV6, EV35, EV38, EV39, HC1, HC3, HC17, HC24.

- 2 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.

- 3 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

- 4 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)

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5 West Glamorgan Act 1987 - Section 26

Please note that because this development involves the construction of a retaining wall above 1.5m height, application must be made to the Director of Technical Services for a permission in accordance with Section 26 of the West Glamorgan Act 1987.

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PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 2

APPLICATION NO.

2015/1171

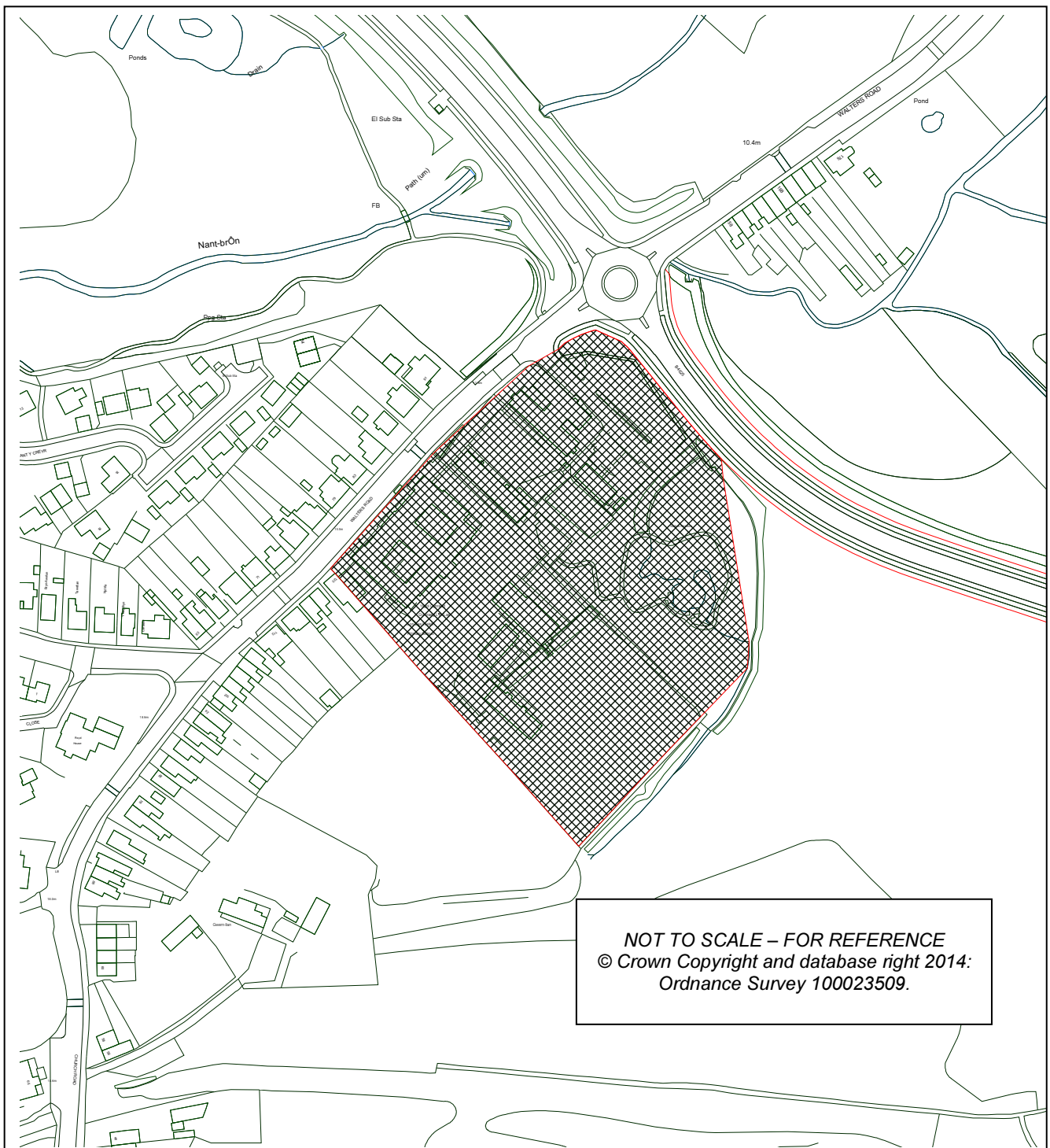
WARD:

Llansamlet

**Location:** YGG Lon Las, Walters Road, Llansamlet, Swansea

**Proposal:** Demolition of existing school and construction of replacement primary school and store with new pedestrian access point, ramp and associated boundary treatments, hard and soft landscaping and external lighting (Council Development Regulation 3)

**Applicant:** City and County of Swansea



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ITEM 2 (CONT'D)

APPLICATION NO.

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**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy HC23	Development proposals that involve the loss of land for community recreation purposes will only be permitted where they comply with a defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS5	Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV10	Demolition of unlisted buildings that contribute to the character or appearance of a Conservation Area will not be granted unless fully justified. (City & County of Swansea Unitary Development Plan 2008)
Policy EV28	Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 2 (CONT'D)	APPLICATION NO.	2015/1171
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)	
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. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV39	Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)	
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. (City & County of Swansea Unitary Development Plan 2008)	

## PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 2 (CONT'D)

APPLICATION NO.

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### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
92/0090	MIXED DEVELOPMENT FOR RESIDENTIAL, LEISURE, COMMERCIAL, INDUSTRIAL, HOTEL AND COMMUNITY USAGE (OUTLINE) Decision: Withdraw Decision Date: 03/02/1995
2008/2119	Construction of 2.4m high security fencing Decision: Grant Permission Conditional Decision Date: 10/02/2009
2013/1468	Demolition of Block A (application for Conservation Area Consent) Decision: Grant Cons Area Consent Conditional Decision Date: 02/04/2014
2013/1467	Demolition of Blocks C, E and G (application for Conservation Area Consent) Decision: Grant Cons Area Consent Conditional Decision Date: 02/04/2014

### Background

**This application is reported to Committee as the size of the development exceeds the development threshold.**

Ysgol Gynradd Gymraeg (YGG) Lon Las was established in 1949. The school accommodates children from St Thomas, Dan y Graig, Pentrechwyth, Cwm, Trallwn, Morriston, Pentrepoeth, Cwmrhydyceirw, Ynystawe, Ynysforgan and Llansamlet and is a feeder school for Ysgol Gyfun Bryntawe. The school employs 56 members of staff and has 453 pupils as of January 2015 (with a capacity of 500).

The school provides for Years 1 to 6 as well as Reception and Nursery classes.

Conservation Area consent has previously been approved, subject to conditions, for the demolition of blocks A, C, E and G (Refs: 2013/1467 and 2013/1468). Conditions of these consents require redevelopment proposals to be in place prior to the demolition of the buildings.

The application site has an area of approximately 2.26ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as the application site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.



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**Neighbour comments:**

The development was advertised on site with three site notices, and the application was also advertised in the Press on the 15<sup>th</sup> June 2015. In addition, neighbours living opposite the school and the adjoining neighbour to the south were also consulted.

One letter has been received from a neighbouring resident who immediately adjoins the site on the southern boundary on Walters Road. Whilst the resident is generally supportive of the new school itself, he raises concerns in terms of the stability of the retaining wall between his property and the school car parking area which is at a higher level and queries why it hasn't been addressed. It has been neglected over the years and is no longer fit for purpose. Due to the weight of cars parked on the playground and mature trees running along the boundary, the brick retaining wall is impacting on the neighbour's stone garden wall. This issue has been brought to the attention of the Council previously. The resident fears that the excavation and heavy plant machinery could impact on the foundations and destabilise the area and there is a mains gas pipe running alongside the school garage. The resident is also concerned that the proposed new building would encroach onto their quality of life as it would be closer than the existing building resulting in noise, visibility, security and privacy concerns.

**Consultations**

**Highways:**

"Demolition of existing school and construction of replacement primary school and store with new pedestrian access point, ramp and associated boundary treatments, hard and soft landscaping and external lighting (Council Development Regulation 3).

1 Background

- 1.1 This proposal is a for a new replacement Welsh medium school at the Lon Las Site Llansamlet. The development involves the demolition of the existing and construction of a new school with the re-configuration of the car parking area.
- 1.2 A transport statement and travel plan have been submitted in support of the proposal. Both documents have been produced in compliance with current guidelines and best practice.

2 The Site

- 2.1 The current use of the site is for the existing school buildings and car park. The area is in a conservation area and two applications for the demolition of the buildings have already been granted (under conservation area consent).
- 2.2 The new school building is to be erected approximately where the existing school buildings are with the car park (for staff/visitors) being located to the south.

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ITEM 2 (CONT'D)

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- 2.3 The site is well located in terms of pedestrian access and is on the route of the NCN route 43. Bus stops are located within 70m of the site and the School itself runs a dedicated school minibus service. There is greater opportunity for bus travel during the afternoon than in the morning with a greater selection of services available.
- 2.4 Statistics regarding road traffic data for the last five years showed that there are no inherent road safety issues associated with the site.
- 2.5 Traffic calming measures are already in place on the roads surrounding the site.
- 3 Traffic Impact
- 3.1 As the school is already in existence at the site, and there are not anticipated to be any additional pupils attending the site, nor staff employed then the trips generated are not expected to rise.
- 3.2 In terms of the construction phase a Construction Phase traffic management plan will be required to be submitted in advance of works commencing
- 4 Parking
- 4.1 Parking within the school site will be restricted to staff and occasional visitors. 58 spaces are indicated which include 2 disabled user spaces in accordance with adopted guidelines. A Coach parking space is also included (which will also serve for deliveries). The gated access will ensure that only authorised users will have vehicular access, with separate pedestrian accesses being available to the north (2) accessed off Walters Road and to the west of this vehicular access point.
- 4.2 Autotrack runs have been submitted showing that coach/delivery vehicles can turn within the site and access/egress in a forward gear.
- 4.3 Parent drop-off and pick-up would have to take place in the existing layby on Blawd Road (which accommodates approximately 16 vehicles). There is also limited on street facilities available, as per the existing situation. There is severe congestion at dropping off/ picking up times and the Transport Statement was asked to look at options to provide for safer/additional facilities for pupils attending the school.
- 4.4 Alternative off site solutions have been suggested to mitigate for the existing safety issues and these can be secured via condition as expanded on in point 4.6 below.
- 4.5 Cycle parking is referenced within the document and on the application form but is not shown on the proposed plan. This provision can be secured by condition.
- 4.6 Section 4.5.2 of the Transport Statement makes reference to three possible crossing locations and three possible opportunities for pupil drop off. Following internal departmental discussion the preferred options are:
- Pedestrian Crossing option 1- puffin (or similar) on western arm of Blawd Road/Walter Road junction.

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ITEM 2 (CONT'D)

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- Pupil drop off option 1- extend existing layby (Blawd Road east of the Walters Road roundabout) to provide space for 30 cars to park
- Pupil drop off – additional provision on Blawd Road west of Walters road roundabout

### 5 Highway and Pedestrian Safety

- 5.1 Traffic calming is already in operation on Walters Road in the form of speed bumps. It is not considered that any additional traffic calming is required as there is not expected to be any additional movements generated in the normal day to day school traffic.
- 5.2 Lit footway provision on roads leading to the site is good and the proposal will provide improved pedestrian access off the south of the site where the layby is located (Blawd Road).
- 5.3 Cycle facilities are not shown but can be secured by condition, available in the area with a dedicated cycle lane along the northern part of the B4295 passing the site. Cycle parking is also being provided at the school.
- 5.4 School warning signs are in operation to advise of the presence of the school
- 5.5 The off-site options as outlined above will alleviate the parking situations and encourage increased movements by foot and on a cycle, as set out in the targets in the Travel Plan.
- 5.6 A pedestrian crossing is already in place on Walters Road near the existing vehicular car park access point.
- 5.7 There are particular parking issues at the junction of Pant y Blawd Road with Walters Road/Church Road and a condition will be required for a scheme of TRO's to be implemented in accordance with details to be provided to protect this junction and the sightline from it.

### 6 School Travel Plan

- 6.1 A school travel plan has been submitted which has assessed current and proposed travel demand by teachers and pupils. Surveys indicate that there will be an increase in the number of pupils walking to school at the new location. The travel plan seeks to increase this over time.
- 6.2 A travel plan coordinator is to be appointed and a travel plan group formed within the school to oversee travel demand and promote initiatives to encourage more walking, cycling and car sharing to reduce travel demand by car alone. This is standard practice for all new schools.
- 6.3 Targets have been set to reduce car modes and increase walking, cycling, car sharing etc.

**PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015**

ITEM 2 (CONT'D)

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7 Conclusions and Recommendation

7.1 The new school will be located at the same site as currently and as such a detailed analysis of the traffic impact was not required. Traffic movement associated with the school is already in the area and this new location will not result in any additional traffic other than that already on the network.

7.2 A limited length layby (Blawd Road) is currently available for use by parents dropping off and picking up and there is also the option of limited on street parking on Walters Road. The off-site works proposed will help to make travel to the school, by whatever means, safer than at present.

7.3 I recommend no highway objection subject to the following;

- i. The off-site works including the pedestrian crossing, layby extension and implementation of new layby parking shall be carried out under a section 278 agreement with the Highway Authority at the Developers expense. All in accordance with details to be agreed.
- ii. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- iii. Cycle parking in accordance with details to be submitted for approval shall be provided prior to beneficial use of the school commencing.
- iv. The boundary walls adjacent to the vehicular access shall be kept below 1m in the interests of visibility.
- v. A scheme of TRO's shall be implemented in accordance with details to be submitted for approval to the LPA to protect the junction of Pant-y-Blawd Road with Walters Road/Church Road, at the applicant expense.

Note: 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 Team Leader, e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.”

**Drainage:**

“Based on the submitted Drainage Strategy ref LLP-ARP-00-XX-RP-C-00002, I5, dated 30 July 2015 we recommend that the following condition is appended to any permission given.

**Condition 1**

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

## PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 2 (CONT'D)

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This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason.

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Informatives

The City and County of Swansea is now responsible for the regulation of any works affecting watercourses as laid out under the Land Drainage Act 1991 (as amended) if there are any works proposed to the watercourses surrounding or on site our prior written consent will be required in addition to any other permissions given.”

**Ecology:**

“The main ecological issues on the site are bats, reptiles and birds. NRW have confirmed they are happy with the bat mitigation plan which includes the additional drawing of the bat roost, if we add a condition requiring the applicant to follow the bat mitigation plan, this should satisfy our requirements. We should also add an informative statement indicating that the applicant will need a licence to disturb European protected species (bats). The reptile mitigation plan that was submitted is sufficient; we should add a condition requiring this to be followed. It is possible nesting birds may be present an informative statement will cover this. There is an area to the west of the site described on the site plan as the Nature Reserve; this area is part of the Llansamlet Marshes SINC. Although there is no development proposed for this area please could we ensure it is not damaged during construction, this could be achieved by enclosing the area off with Heras type fencing.”

**Urban Design and Conservation:**

“The scheme as submitted is similar to that shown as part of the submission for the Conservation Area Consent (CAC) application for the demolition of the existing school (app ref: 2013/1468) albeit with some minor tweaks to the overall U-shaped form of the building; a redesigned main entrance at the north eastern façade; changes to fenestration fronting onto Walters Road; and the removal of the pedestrian access into the school at the southern end of the Walters Road elevation.

Comments:

- The changes to the main building access at the north eastern elevation are welcomed to provide a stronger sense of presence and legibility to this entrance.
- The proposed gable features on the Walters Road elevation help to provide some visual interest and break up the horizontality of this long single storey façade as well as to reference the gable features of the existing school building albeit in a contemporary manner. However given the strong form and visual impact of these gable features more needs to be done to articulate these in terms of their fenestration as the currently submitted scheme shows these windows on these features to be relatively undifferentiated from the remainder of the façade.

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ITEM 2 (CONT'D)

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- This approach of utilising standardised windows only results in a large solid-to-void ratio within the gables which detracts from these features and makes them appear as an afterthought. As such more should be done to better address the solid-to-void ratio of the gables and create more of a feature of these through the introduction of larger and/or additional windows at a higher level. Furthermore the approach to the gable features on the existing school highlight the additional fenestration on these as well as how these windows are differentiated from the remaining parts of the façade in terms of size etc.
- Further to this the existing school gables highlight how the windows within these features are centralised to create a more balanced gable façade and this balanced approach should be matched on the proposed gables.
- As highlighted above one of the changes from the previously submitted scheme is the removal of the pedestrian access into the school at the southern end of the Walters Road elevation. This access would provide a more convenient entrance for pupils walking from the south of the school and should be reinstated as part of the proposals. Given that this access is currently part of the existing school there is no reason why this cannot be retained as a controlled access gate. This issue was highlighted in previous design comments given in January 2014 as follows:

*“The new entrance to the school building is proposed to the north at the lower level (outside the conservation area boundary) in relation to the existing parking and turning area. However a pedestrian entrance is proposed at the southern corner off Walters Road to allow local residents to directly access the school by foot.”*

- Clarification is required on what the strategy for afterschool parent pickup arrangements are as these will create opportunities for the design of the external spaces of the school to foster the social interaction of parents/guardians during this time for the wider benefit of the school community.
- Clarification is also required on the approach to the red brick wall and railings boundary fronting onto Walters Road as the site plan states that this is ‘to be retained / repaired to existing dimensions and configuration’. However there are previous emails regarding a possible increase in height to this boundary treatment and so this issue will need to be clarified as part of the amendments.
- Given CADW’s previous role in determining the CAC demolition application, clarification will also need to be sought as to whether their input is required for this application?”

### **Urban Design and Conservation (further comments):**

“As you know Block A of YGG Lon Las is a key building within the Llansamlet Conservation Area and we supported the demolition of the existing school based on an indication of the likely redevelopment proposals (2013/1468). Central to the demolition proposals was the agreement that the new school would have a positive relationship to the conservation area (Walters Road) through the incorporation of new feature gables as a contemporary reference back to the original building.

The current proposals look fine. The only point to raise is with regards to the proposed signage zone for the gables which should be larger and also higher up the face of the gable in order to be more centralised and prominent within the leftover space above the ground floor windows.”

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### **Pollution Control:**

"I have no objection to this application but would to make the following comments and attached the following conditions: -

### Demolition and Construction:-

#### Condition - Demolition/Construction Site Management Plan

Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:

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

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

*Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600*

Reason: to ensure minimal nuisance impact on local residents/ businesses from construction activities.

### Noise: -

Pre-Application discussions took place with Calum Sharp (ARUP), with regard to the lowest specified noise rating level and the most onerous criteria (see attached email). The noise report that Mr. Sharp was preparing does not appear to part of the application documents on the portal. I am happy condition but it would be more straight forward to condition the findings of his report as we agreed base levels.

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### Contaminated Land: -

I can look to condition additional contaminated land requirements but as long as the recommend further works, specified in section 10.4 of the TEC - Preliminary Geo-Environmental and Geotechnical Assessment report, are carried out the potential hazards should be identified and the subsequent mitigation measures put forward.

### Condition - Unforeseen Contamination

If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

### Informatives

#### 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. 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.

#### 2 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.

#### 3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

#### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations."

### **Landscape Officer (Arboriculture):**

"I'm happy with these proposals. It appears that the mitigative planting will compensate for the trees lost."



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**Natural Resources Wales:**

“We have no objection to the proposal if the conditions requested below are incorporated in any planning permission issued.

**European Protected Species**

We welcome the submission of the reports by Acer Ecology, entitled ‘Bat Survey (May2015), Preliminary Ecological Appraisal (July 2015) and Method Statement for Reptiles (May 2015). We note the presence of small numbers of a variety of species of bat including, pipistrelle and brown long eared bats roosting within the building proposed for development.

As you are aware, bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010 (as amended). Where a European Protected Species is present, and a development proposal is likely to contravene the protection afforded to them, development may only proceed under a licence issued by Natural Resources Wales having satisfied three requirements set out in the legislation. One of these requires that the development authorised will ‘not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.’ These requirements are translated into planning policy through Planning Policy Wales (PPW) (July 2014), Sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European protected species is present.

As stated above, we welcome the submission of the survey reports for bats. In order to ensure that there will be no detriment to the maintenance of the favourable conservation status of bats as a result of the proposals, we advise that suitable conditions are attached to the permission to address the following;

Works impacting upon bats will be carried out according to the proposals detailed within the report by Acer Ecology, entitled ‘Ysgol Gynradd Gymraeg Lon Las, Bat Survey May 2015.

We also note the limited potential for the site to support great crested newt, although no evidence to date has been found. We therefore recommend that;

Works are carried out in accordance with the method statement for reptiles as outlined within the report by Acer Ecology ‘Method Statement for Reptiles’ dated May 2015. During these works, should any great crested newt be found, all works must cease and Natural Resources Wales contacted for advice.

Please ensure that the applicant is aware that a European Development Licence will be required from Natural Resources Wales, prior to works commencing, to ensure the favourable conservation status of bats, a European Protected Species.

**Surface water management**

It is proposed to discharge surface water to the existing storm sewer. The Drainage Strategy produced by Arup, referenced LL-ARP-00-XX-RP-C-00002 dated 19 May 2015, states it is proposed to discharge surface water to the existing storm sewer as ground investigation works have demonstrated that infiltration techniques are not suitable on the site and there are no watercourses in the immediate vicinity of the site.

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We would point out that the proposed surface water management systems are somewhat disappointing. We would suggest that further consideration is given to this aspect of the development. This is an opportunity to incorporate a range of sustainable drainage systems (SUDS) from the outset. SUDS do not all need to be infiltration systems, but a mix of attenuation and other forms of urban drainage e.g. swales, rainwater harvesting, rain garden planters, green roofs etc.

In line with policy EV35 of your Authority's Unitary Development Plan "Sustainable drainage systems (SuDS) will be encouraged wherever they would be effective and practicable, so as to ensure that development does not increase run off, and potentially damage important landscape features and protected species and habitats. Where SuDS are not provided then any conventional drainage system utilised must improve the status quo".

TAN 15 also states "Developers will need to give good reason why SuDS could not be implemented. If a conventional drainage system does not improve the status quo or has a negative impact then this can be a valid reason for refusal".

As such, once the contamination of the site is fully understood a detailed scheme on surface water management should be produced. Your Authority may wish to receive this information prior to determination of the application, however otherwise we request that a suitably worded condition is included on any planning permission issued requiring details of a surface water drainage scheme incorporating SUDS to be submitted for written approval prior to commencement of infrastructure work on the site.

### Flood risk

Part of the site is located within zone C1, as defined by the development advice maps referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates part of the site to be at risk of flooding in the 0.1% flood event. The proposal is for the redevelopment of a primary school and therefore there will be no change in vulnerability which will remain classed as highly vulnerable. Given the scale of the proposed development, we do not consider a Flood Consequence Assessment is required in this instance. The developer should however be made aware of the potential flood risks and be advised to install flood-proofing measures as part of the development where appropriate. For further information, please see ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'.

### Contaminated land

We consider that the controlled waters at this site are not of highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. It is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed. These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site then you may wish to re-consult us.

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Pollution prevention and waste management

With regard to pollution prevention the applicant must ensure that there is no possibility of contaminated water (including silt laden runoff) entering and polluting surface or ground waters. This is to protect water quality and prevent any potential deterioration in Water Framework Directive Classification.

Best practice would be for a pollution prevention plan to be drawn up prior to commencement on site. All staff working on the site can then be made aware of the plan. The plan should identify as a minimum:

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

With regard to any demolition waste, the Duty of Care Regulations for dealing with waste materials are applicable for any movements off-site. The developer as a waste producer would have a duty of care to ensure all materials removed go to an appropriately licensed disposal site and all relevant documentation is completed and kept in line with regulations. If during construction or excavation works any contaminated material (including asbestos) is revealed then the movement of such material either on or off the site should be undertaken in consultation with Natural Resources Wales.

If the applicant requires more specific advice on waste issues they can contact our Customer Contact Centre on 0300 065 3000, or refer to guidance on our website at

**NRW (further comments):**

“We welcome the submission of the architect’s drawings and the proposals for mitigation outlined within. Therefore, in order to ensure that there will be no detriment to the maintenance of the favourable conservation status of bats as a result of the proposals, we advise that a suitably worded condition is included on any permission issued to ensure that works are carried out in accordance with the recommendations outlined within the plans.

The applicant should also be made aware that these plans would also need to be included in a licence application to Natural Resources Wales prior to the commencement of works.”

**Dwr Cymru Welsh Water:**

No adverse comments subject to the satisfactory discharge of foul and surface water drainage and the preparation of a comprehensive drainage strategy. No objections in terms of water supply.

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DCWW have advised that the proposed development is within close proximity of a public foul sewerage pumping station. We would like to advise the developer that no habitable buildings should be constructed within a 15m vicinity of the pumping station so as to minimise any effects of noise and odour nuisance.

### **Glamorgan Gwent Archaeology Trust:**

“The proposals will require mitigation.

You may recall we wrote to you on 3rd December 2013 in respect of previous applications at this site (your Reference 2013/1467 & 2013/1468). Our understanding of the archaeological resource remains unchanged. Information contained within the Historic Environment Record and accompanying Heritage Statement shows that these distinctive school buildings in Llansamlet were designed by Ernest Morgan (1881-1954), borough architect for Swansea from 1913 until 1935. Morgan was responsible for the design of a series of similarly distinctive school and municipal buildings as well as public housing across Swansea during this period. Morgan's work includes, amongst others, the Mayhill Junior School and Swansea Central Police Station as well as the Townhill Estate which followed the Garden City type. As such the Ysgol Gynradd School buildings are not only an important part of the street scene in Llansamlet, further they hold a group value as a representative part of a significant period of architectural innovation in the then Swansea borough.

Your Members will need to consider whether or not the loss of these distinctive buildings in the local streetscene is outweighed by the need of the proposed replacement buildings and whether or not a proposal to sympathetically convert the buildings would be more beneficial to the neighbourhood. Should the decision be made for their demolition, in order to both mitigate the demolition and elucidate further detail of the buildings, information on its construction, details of its architectural features and a history of its development should be made and recorded prior to the undertaking of the development. There are no other recorded archaeological features shown on the Historic Environment Record and we therefore do not have any objections to the granting of the application on archaeological grounds.

It is our opinion that the standing building is of historic importance by virtue of its architecture, history and cultural significance within the area; therefore, a qualified building historian should make a full record of the structure both by the means of a drawn and photographic record, prior to any works being undertaken. We envisage this survey to be undertaken to a Level III (*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 to enable access by future historians.

In order to ensure that the work is undertaken we recommend that a condition based on the model suggested by the Association of Local Government Archaeological Officers in their document *Analysis and Recording for the Conservation and Control of Works to Historic Buildings* should be attached to any planning consent granted by your Members. This condition 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 specification.*

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

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

It is our policy to recommend that the applicant employs an archaeologist qualified to Member level of the CIFA or who is an employee of a register organisation within the Charter Institute for Archaeologists. A list of archaeological contractors who have indicated their availability to work in Wales is available via the Institute for Archaeology's website,"

### **Japanese Knotweed Officer:**

Recommends a condition requiring a knotweed method statement given that it is present on site.

### **Police Designing Out Crime Officer:**

Recommendations have been made to prevent crime and anti-social behaviour. The key issue is that the perimeter security currently on site is poor. Fencing is palisade or chain link which can be easily breached. The railings currently installed at the front of the school are too low, easy to scale and rusty / missing in places. The whole of the school buildings and play areas must be totally fenced in and protected by railings. The front of the school must be protected by walls/railings at least 2 metres in height. The railings and gates must be the same height as the pillars and must be robust and difficult to scale. Gates must be the same height as the adjacent walls/railings/fencing and meet Secured by Design standards. The fencing protecting the sides and rear of the school buildings must meet Secured by Design standards, be at least 2.4 metres high, weld mesh, expanded metal or similar and be of a design that is difficult to climb over. Fencing must be sited on a hard surface or embedded in the ground to prevent persons from getting under it.

### **Site Location**

The application site is the existing YGG Lon Las Primary School which comprises 7 detached school buildings located across the site. The main building fronts Walters Road and has two internal courtyards. The building's most prominent features are considered to be the gable ends and timber cladding which are key features of its distinctive appearance. The remainder of the school buildings are of a more temporary design/nature although they are showing signs of deterioration.

The topography of the site and surrounding land is such that it is split over a number of levels with significant differences between them. The existing school buildings are separated from each other across the various levels. The school buildings are in a generally poor condition and are of varying styles ranging from temporary style demountable units to ageing timber huts. The school's two car parks, located to the north and on part of the playground to the south, accommodate 44 cars. A new layby that runs along Blawd Road is used for pupil drop off.

The school has a playing field at the southern end of the site. Adjacent to this in the eastern corner of the site is the Llansamlet Marshes Site of Importance for Nature Conservation (SINC) and consists of steep banks leading towards swampy ground and scrubland. Swansea Vale Nature Reserve SINC lies just north of the development site.

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A timber boardwalk provides access through this area. The site includes a number of high value trees which are interspersed between the buildings and within the quadrangles.

### **Description of Development**

Planning permission is sought for the erection of a 3,183m<sup>2</sup> 2.5 form entry primary school with integrated nursery unit on the site of the existing school. The new split level building would include the main entrance on the lower car park level with teaching spaces and their support areas on the upper ground floor. All of the existing buildings on site would be demolished except for the existing garage/ storage building on the south western boundary. The building itself would measure a maximum of 87metres in length with the building in the upper plateau being constructed with two rear wings set behind the main block that would front on to Walters Road. The proposal would also provide for a 22m<sup>2</sup> external store with a bat loft in the southern corner of the site.

The proposals would utilise the existing vehicular entrance with a reconfigured car park to better accommodate staff parking/ deliveries and maintenance vehicles. 58 new parking spaces and a layby for deliveries/ coach parking would be provided with a delivery area and 14 cycle parking spaces would also be created. The new school would include a community room which would be available for activities/ community initiatives. Split over two storeys, the community, administration and public areas of the school would be at the lower level with all of the teaching (15 classrooms) at the upper level. The teaching spaces would be arranged in a "U" shape with a hard surface playground in between including two covered canopies. The frontage along Walters Road has been set back approximately 11m and would include playground space at the front of the site. This elevation would have gable features spaced the same distance apart as the existing gables and with the same height as the ridge of the existing gables on site. The ridge height of the gables would be 7.4m, with the remainder of the building on the upper level having a ridge height of 5.3m. The new building would be created on a raised plateau approximately 800mm high which would necessitate less material being removed off site. Due to the site topography, the proposed building would include a reinforced concrete retaining wall approximately 5m in height. The maximum height of the lower level building would be 9.2m with a mono pitch roof to a height of 7m.

The building would have a varied pallet of materials including horizontal rainscreen cladding along the Walters Road elevation (to reflect the existing timber in a modern manner), low profile metal seam roof and gables, facing brick on the side wings and lower plateau along with render and coloured render panels. Due to the difference in levels, external steps and a ramp would be located at the rear of the hard surfaced playground joining the two levels. The existing brick/ railings along Walters Road would be retained and repaired where necessary to the existing dimensions and configuration. Two new brick piers would be replaced and infilled with railings and new fixed railings are proposed in one existing gate (no longer required). 4-5m lighting columns are also proposed within the site. One Red Oak which is considered to be in prime condition and of very high amenity value (located within the quadrangle) would need to be felled to make way for the development. Several other trees in sound condition and of high value would also need to be removed. 22 trees in total would be removed.

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Supporting information including a Transport Statement, Travel Plan, Drainage Strategy, Flood Risk Statement, various Ecological reports, a Geo-Environmental and Geo-Technical Report and Heritage Statement, Archaeological Appraisal have been submitted with the application and are sufficient for the various impacts identified above to be considered as part of the application process.

With regards to ecology, the key conclusions of the reports are as follows:

- Nesting birds – tree and grassland clearance will impact on the habitat used by birds. Buildings A, D, E and G have nesting house sparrows. Mitigation proposed includes 2 x sparrow terraces to be installed on replacement building.
- Bats – Buildings C, D and E have been confirmed as supporting small numbers of roosting common pipistrelle and brown long eared bats. Mitigation of new bat loft in storage building proposed. A European Protected Species license would be required from NRW prior to any works commencing.
- Reptiles and Common Amphibians – common lizards were identified within a small garden area on the site. However, almost the entirety of the development was assessed as having very low potential for use by reptiles. Mitigation to include reptile deterrent measures including reptile fencing and grass mowing strategy.
- In addition, replacement tree and shrub planting is also proposed to mitigate the loss of existing trees affected by the development.

The Transport Statement states that the redeveloped school would retain the same pupil and staff numbers as the existing school. Therefore there would be no increase in travel demand associated with the school. A review of road traffic accident data from the last 5 recorded years (2009-2013) concluded that there are no inherent road safety issues adjacent to the site or within the local vicinity.

### **APPRAISAL**

Full planning permission is sought for the construction of a new replacement 2.5 form entry school with integrated nursery unit, along with associated car parking and landscaping at the existing YGG Lon Las school site. The site is identified as Community Recreation Land (Policy H23) within the UDP.

#### Main Issues

The main issues to consider in the determination of this application relate to the design/visual impact, impact of the proposal on the character of the conservation area, impact on neighbouring amenity, impact on ecology and impact on highway safety, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

#### Demolition of Existing Buildings within Conservation Area

Policy EV9 states that development within Conservation areas would only be permitted where it would preserve or enhance the character or appearance of the conservation area and provides criteria for new development and this approach is supported in Planning Policy Wales (chapter 6).

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Policy EV10 states that consent for the demolition of unlisted buildings that make a positive contribution towards the character or appearance will not be granted until it can be demonstrated that the condition of the building would not justify the cost of repair; efforts have been made to viable use; redevelopment would produce substantial benefits for the community that would outweigh the loss resulting from the demolition; and there are acceptable and detailed plans for redevelopment.

As noted above, GGAT has advised that the proposals would require mitigation and has suggested a condition requiring a record of the buildings.

The Council's Education department have identified a need to provide a new primary school facility to replace the multiple school buildings which are in a poor state of repair and bring the school together in one building. The project would therefore provide significantly improved education facilities for pupils and the school would also include a community room/ facility which is in line with the Council's Community Focused School's Policy.

The applicant has advised that consideration needs to be given to the overall impact of the proposals on the conservation area and the removal of the unsympathetic buildings from within and adjacent to the conservation area would have a positive effect overall. It must also be noted Conservation Area consent has already been obtained for the demolition of blocks A, C, E and G and the decision notice (issued by CADW) states that there would be no significant visual intrusion on the conservation area subject to conditions. Therefore, the principle of the demolition of the buildings within the Conservation Area is considered acceptable subject to the mitigation requested by GGAT and subject to the detailed design of the redevelopment proposals which are considered further below.

### Design/ Visual Impact/ Layout

In order to safeguard the character of the Conservation Area and its setting, conditions attached to the Conservation Area consent required the retention and protection of trees along the Walter Road frontage, the retention of the existing boundary walls/ railings and the proposed roofline should be no greater than that of the existing building. The current proposals seek to ensure these conditions are complied with and trees along the Walter Road frontage have been retained and the building has been relocated further back within the site. The building would have a varied pallet of materials including horizontal rainscreen cladding along the Walters Road elevation (to reflect the existing timber in a modern manner), with the ridge height kept below the original height of the main building and the front gable features spaced at the same distance as the existing building. The existing brick/ railings along Walters Road would be retained and repaired where necessary to the existing dimensions and configuration. Two new brick piers would be replaced and infilled with railings and new fixed railings are proposed in one existing gate opening which is no longer required. The return around this section would also contain new railings and brickwork to match existing. Whilst the Police Designing Out Crime Officer requested higher railings along the frontage, the retention of the railings in their current form was a condition of the Conservation Area consent and are an important feature within the Conservation Area. It should also be noted that the railings would be repaired and replaced as required and the missing panels would be reinstated to secure the boundary.



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The Council's Design and Conservation Officer originally raised concerns with regards to certain aspects of the development but advised that the changes to the main building access at the north eastern elevation were welcomed to provide a stronger sense of presence and legibility to this entrance. The Officer was concerned with regards to the removal of the pedestrian access into the school at the southern end of the Walters Road elevation. This access would provide a more convenient entrance for pupils walking from the south of the school and should be reinstated as part of the proposals as a controlled access gate. The applicant has subsequently amended the proposal so that the emergency/ planned maintenance access would be used to provide managed pedestrian access. Further clarification sought in terms of the boundary treatments has been provided to the Urban Design Officers and no further comments were received in regards to this aspect as the existing railings are to be retained, repaired and replaced to the same height as the current proposals.

The Design and Conservation Officer has advised that the proposed gable features on the Walters Road elevation help to provide some visual interest and break up the horizontality of this long single storey façade as well as to reference the gable features of the existing school building albeit in a contemporary manner. Block A of YGG Lon Las is a key building within the Llansamlet Conservation Area. Central to the demolition proposals was the agreement that the new school would have a positive relationship to the conservation area (Walters Road) through the incorporation of new feature gables as a contemporary reference back to the original building.

Following concerns about the design of the gables, the applicant amended the scheme and raised the floor levels of the main part of the building which effectively reduced the overall height, scale and massing of the eaves which is more acceptable. The Design and Conservation Officer has recommended no objections subject to the proposed signage zone for the gables being larger and higher up the face of the gable in order to be more centralised and prominent within the leftover space above the ground floor windows. A condition to this effect would be attached to any grant of consent.

The overall design/ visual impact of the proposals is considered acceptable subject to conditions regarding revised gable features and full details/ samples of materials to be used in the development.

### Neighbouring/ Residential Amenity

To date, only one letter of objection has been received in response to this application, from a neighbour living next door to the school. The concerns raised are largely with regards to the stability of the land and the impact the development would have on the neighbouring property but the resident also raises concerns with regards to noise and disturbance.

Firstly, it should be noted that the site is already used as a school and the replacement building is similar in nature and scale to the existing building, albeit brought together into one modern building. The new school building would be further away from the existing property boundary than the existing building and there would no longer be demountable buildings thereby reducing disturbance as pupils move about between classrooms. Whilst the play area would be closer to the neighbour's property than the existing playground, this area is used for vehicle parking currently and within this context, it is not considered that the proposals would have a significant detrimental impact on neighbouring amenity.

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The neighbour is concerned that their wall is already being impacted upon by the existing school and is crumbling as a result. The Council's Estates department are in the process of trying to ascertain the situation with regards to the boundary of the property and any maintenance liability. This matter is progressing separately and is considered to be a separate legal matter.

It should also be noted that the Council's Pollution Control Officer has raised no concerns with regards to the proposals following the assessment of an acoustic report with regards to the plant/ machinery proposed for the school building. The Officer has however recommended that the findings of the noise assessment are conditioned. Finally, given the proximity of neighbouring properties, it is considered appropriate to attach a condition requiring the submission of a Demolition/ Construction Site Management Plan.

### Highway Safety/ Parking/ Public footpaths

The applicant has submitted a Transport Assessment with the application although it should be noted that the replacement school is similar in size and nature to the existing school and the parking area would be in the same location as the existing car park.

The Highways Officer has advised that statistics regarding road traffic data for the last five years show that there are no inherent road safety issues associated with the site and traffic calming measures are already in place around the site. Parking within the school site would be restricted to staff and occasional visitors. 58 spaces are indicated which include 2 disabled user spaces in accordance with adopted guidelines. A coach parking space is also included which would also be used for deliveries. It is noted that by providing one single access instead of two, there would be an intensification of traffic using the northern vehicular access. This traffic is likely to be outside of the time period when parents are picking up or dropping off pupils and it is likely to be less than 1 vehicle per minute.

Parent drop-off and pick-up would have to take place in the existing layby on Blawd Road (which accommodates approximately 16 vehicles). There is severe congestion at dropping off/picking up times and the applicant was asked to look at options to provide for safer/ additional facilities for pupils attending the school. The Transport Statement makes reference to three possible crossing locations and three possible opportunities for pupil drop off and the Highways Officer has outlined their preferred options below:

- Pedestrian Crossing option 1 – puffin (or similar) on western arm of Blawd Road/Walter Road junction.
- Pupil drop off option 1 – extend existing layby (Blawd Road east of the Walters Road roundabout) to provide space for 30 cars to park
- Pupil drop off – additional provision on Blawd Road west of Walters road roundabout

The Highways Officer considers that the off-site options as outlined above would alleviate the parking situations and encourage increased movements by foot and on a cycle, as set out in the targets in the Travel Plan. The Officer raises no objections subject to conditions regarding the above, the provision of a construction method statement and cycle parking provision within the site. The proposals are therefore considered acceptable in terms of highway safety and access subject to conditions.

ITEM 2 (CONT'D)

APPLICATION NO.

2015/1171

Ecology/ Trees/ Landscape

Regrettably the proposals do involve the loss of several trees (22 in total) throughout the site, including one Red Oak which is considered to be in prime condition and of very high amenity value (located within the quadrangle) which would need to be felled to make way for the development. The Council's Landscape Officer has commented on the application and raises no objections to the proposals on the basis that the proposed planting would mitigate the loss of these trees. A condition to this effect would be attached to any grant of consent. The trees along the frontage which add to the amenity of the conservation area would be retained.

With regards to ecology, the submitted reports indicate that tree and grassland clearance would impact on habitats used by birds, 4 buildings have nesting house sparrows and whilst common lizards were identified on site, there was considered to be a very low potential for reptiles/ amphibians. NRW do not raise any concerns with regards to this proposal but note the limited potential for the site to support great crested newt, although no evidence to date has been found and recommend the works are undertaken in accordance with the submitted method statement. During these works, should any great crested newt be found, all works must cease and Natural Resources Wales contacted for advice.

Buildings C, D and E have been confirmed as supporting small numbers of roosting common pipistrelle and brown long eared bats. Mitigation in the form of a new bat loft in a storage building has been proposed. Bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010 (as amended). Where a European Protected Species is present, and a development proposal is likely to contravene the protection afforded to them, development may only proceed under a licence issued by Natural Resources Wales having satisfied three requirements set out in the legislation (derogations). Natural Resources Wales do not object to the application subject to the satisfaction of the derogations (which are included below) and conditions ensuring that works impacting upon bats would be carried out according to the proposals detailed within the report by Acer Ecology, entitled 'Ysgol Gynradd Gymraeg Lon Las, Bat Survey May 2015.

The Council's Ecologist has stated that the main ecological issues on the site are bats, reptiles and birds. NRW have confirmed they are happy with the bat mitigation plan which includes the additional drawing of the bat roost, and a condition requiring the applicant to follow the bat mitigation plan would be attached to any grant of consent, along with an informative indicating that the applicant would need a licence to disturb European protected species (bats). The reptile mitigation plan submitted is sufficient and a condition would be attached to ensure it is followed. There is an area to the west of the site described on the site plan as the Nature Reserve; this area is part of the Llansamlet Marshes SINC. Although there is no development proposed for this area, the Ecologist has requested a condition to ensure that the area is closed off with Heras fencing to ensure it is not damaged during construction.

## DEROGATION TESTS

**Regulation 53(2)(e) (Imperative reasons of overriding public interest etc):** In this case, the development is not likely to have a major impact on the bat species, and mitigation proposed has been accepted by Natural Resources Wales and the Council's Ecologist. The wider public interest includes:

- Redevelopment of poorly performing and outdated school building with a purpose built modern building
- Improving the County Borough's education facilities with good quality accommodation
- Improving the visual amenity of the surrounding landscape through the removal of temporary buildings of a poor quality.

**Regulation 53(9)(a)(that there are no satisfactory alternatives to the proposed activity):** Alternatives were explored as part of the Conservation Area consent process. The school currently operates out of failing, expensive to maintain buildings which are not fit for purpose for the needs of 21<sup>st</sup> century teaching and learning. The site is fragmented with the school spread across seven separate buildings. Without the demolition of the existing buildings and the redevelopment of the whole site, the school would not fully meet its educational objectives. Doing nothing and letting the buildings fall into further disrepair would result in a maintenance/ liability burden for the Local Authority and the buildings would eventually deteriorate to a state where they would no longer be fit for use by bats.

**Regulation 53(9)(b) (that the action authorised will not be detrimental to the maintenance of the population of the species concerned):** The Council's Ecologist and Natural Resources Wales have been consulted on this application and have stated that the proposals are unlikely to have a detrimental impact on the maintenance of the bat population given that mitigation would be provided in the form of a replacement building with suitable space for various species of bats.

### Contaminated Land

The summary of the Geo-Environmental and Geotechnical Assessments indicate that made ground is present on site at a maximum thickness of 2.4m. No visual evidence of contamination was observed but chemical testing indicated shallow soils to contain lead, arsenic and benzo(a)pyrene at concentrations in excess of applied residential guidelines. Additional investigation to confirm the contaminative nature of the subsurface in any areas of proposed landscaping/ open ground at surface is recommended, along with soil analysis from both the additional testing and existing chemical data in accordance with a school end-use, as opposed to residential. Leachate analysis, groundwater sampling and further gas monitoring are also recommended.

The Council's Pollution Control Officer has reviewed the site investigation report accompanying the application and has advised that as long as the recommend further works, specified in section 10.4 of the TEC - Preliminary Geo-Environmental and Geotechnical Assessment report, are carried out the potential hazards should be identified and the subsequent mitigation measures put forward. Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

ITEM 2 (CONT'D)

APPLICATION NO.

2015/1171

Drainage/ Flooding

In terms of flood risk, the site is situated predominantly in Zone A (considered to be at little or no risk of flooding), however part of the site is within Zone C1 (served by significant infrastructure, including flood defences) and Zone B (areas known to have flooded in the past). The part of the site that is within Zone C1 is the proposed car park which is considered to be of low vulnerability.

NRW have advised that their Flood Map information, which is updated on a quarterly basis, indicates part of the site to be at risk of flooding in the 0.1% flood event. The proposal is for the redevelopment of a primary school and therefore there would be no change in vulnerability which would remain classed as highly vulnerable. Given the scale of the proposed development, they do not consider a Flood Consequence Assessment is required in this instance. The developer should however be made aware of the potential flood risks and be advised to install flood-proofing measures as part of the development where appropriate and they would be advised of this should consent be granted.

Infiltration tests have revealed that the site is unsuitable for soakaways and there are no watercourses in close vicinity to the site. As such, it is proposed to discharge storm flows generated from the proposed development to the existing storm networks. With regards to drainage, both surface and foul water discharges into the public sewer. It is proposed that the new development would be served by existing sewers but surface water would be removed from the combined sewer and SUDS would be used to reduce discharge rates during storm flows which would provide an overall betterment.

The Council's Drainage Officer has requested amendments to the drainage strategy during the course of the application and the strategy has subsequently been updated. The Drainage Officer does not object to the amended drainage strategy but has requested that a condition is attached requiring full drainage details to be submitted prior to the commencement of development. The drainage strategy is considered acceptable on this basis.

Other Issues

The Council's Japanese Knotweed Officer has advised that a method statement for the eradication of the plant would be required for the site given that it is known to be present.

The Police Designing Out Crime Officer has provided recommendations to prevent crime and anti-social behaviour. The key issue is that the perimeter security currently on site is poor and specifically refers to the palisade/ chain link fencing. These comments would be attached as an advice note to any grant of consent. Comments regarding the height of the front boundary are noted, however it is important that the existing railings are retained at their existing height given that the development is located partly within a conservation area.

**Conclusion**

The proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to conditions.

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ITEM 2 (CONT'D)

APPLICATION NO.

2015/1171

**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: PL(0)001 (Site Location Plan), PL(0)010 K (Proposed Floor Plans), PL(0)013 A (Proposed Roof Plan), 1178-01 (Soft Landscape Strategy), 2014/.48 (Tree Constraints and Tree Protection and Proposals Overlay) and 2014/.53 (Proposals and Tree Survey) received on 29th May 2015; LLP-ARP-01-ZZ-GA-E-LO251 P1 (External Lighting Layout) received on 15th June 2015; PL(0)014 A (Proposed External Store Incorporating Bat Loft) and PL(0)008 B (Existing Boundary Wall Treatment) received on 10th July 2015; and PL(0)005 K (Proposed Site Plan), PL(0)011 F (Proposed Elevations) and PL(0)012 C (Proposed Site Section / Elevations) received on 13th August 2015.  
Reason: To define the extent of the permission granted.
- 3 Prior to the commencement of development, samples of all external finishes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 4 Prior to the commencement of development, and notwithstanding the details submitted to date, details of the finished floor levels of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.  
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.
- 5 No demolition shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been submitted to and approved in writing by the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an approved written specification which shall first have been approved in writing by the Local Planning Authority.  
Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate the impact of the development.

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- 6 Prior to the commencement of development a Demolition and Construction Pollution Management Plan (DCPMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) Demolition/ Construction programme and timetable;
  - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
  - c) Traffic scheme (access and egress and the route to be used to access the site) in respect of all demolition/ construction related vehicles including the loading and unloading of plant and materials;
  - d) An assessment of demolition/ 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 regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
  - 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 crushing/ screening operations);
  - k) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
  - l) How each of these watercourses and pathways will be protected from site run off during construction;
  - m) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority;
  - n) Measures for dealing with any contaminated material;
  - o) Details of any emergency contacts.

Reason: To ensure the safety of other road users and protect residential amenity and the environment during the construction phase.

- 7 Prior to the commencement of development, full details of the off-site works including the pedestrian crossing, layby extension and implementation of new layby parking shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site works shall be provided in accordance with the approved details prior to the first beneficial use of the school hereby permitted.

Reason: In the interests of highway safety.

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- 8 Prior to the commencement of development, the protective fencing as indicated on Drawing No 2014/.48 (Tree Constraints and Tree Protection and Proposals Overlay) shall be installed and shall be retained for the duration of the demolition and construction phases of the development hereby permitted.  
Reason: To secure the protection of trees growing on the site whilst the development is being carried out.
- 9 Prior to the commencement of development, a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 10 Prior to the commencement of development, full details of cycle parking provision within the application site shall be submitted to and approved in writing. The approved cycle parking shall be provided prior to the first beneficial use of the school hereby permitted and shall be retained as such at all times.  
Reason: To ensure adequate cycle parking provision is made available for the school to promote sustainable means of transport.
- 11 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been submitted to approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure the site is satisfactorily drained.
- 12 Prior to the first beneficial occupation of the school hereby permitted, a scheme of Traffic Regulation Order(s) to protect the junction of Pant-y-Blawd Road with Walters Road/Church Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved Traffic Regulation Order(s) shall be implemented in accordance with the approved details prior to the first beneficial use of the school hereby permitted.  
Reason: In the interests of highway safety.
- 13 Prior to the first beneficial occupation of the new school hereby approved, all of the proposed car parking spaces as indicated on Drawing No. PL(0)(005) Rev. K shall be clearly laid out on the ground and retained as such thereafter for the parking of vehicles.  
Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.



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ITEM 2 (CONT'D)

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- 14 Notwithstanding the details submitted to date, full details of the proposed signage/ logo on the front gables shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the building. The approved signage/ logo shall be installed prior to the first beneficial occupation of the building hereby approved.

Reason: In the interests of visual amenity.

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted on that particular site.

Reason: Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 All planting and grass seeding or turfing comprised in the approved details of landscaping for the site shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the development or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

- 17 The development hereby approved shall be undertaken in accordance with the Method Statement for Reptiles submitted by Acer Ecology dated 29th May 2015. During these works, should Great Crested Newt be found, all works shall cease and Natural Resources Wales contacted for advice. No works shall re-commence until the written consent of the Local Planning Authority to re-start works has been received.

Reason: To protect reptiles during the demolition and construction phase of the development.

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ITEM 2 (CONT'D) APPLICATION NO. 2015/1171

- 18 The development shall be carried out and completed strictly in accordance with the bat mitigation measures outlined in Section 6 Recommendations of the Bat Survey Report "Ysgol Gynradd Gymraeg Lon Las" dated May 2015 prepared by Acer Ecology.

Reason: To protect the bat population during and post development.

- 19 The maximum specific sound level (LAeq,Tr), for building services from the site, shall be 5dB below the representative background (LA90) sound levels at measurement locations Five and Six (as specified within the Noise Impact Assessment, produced by ARUP - issue 22 May 2015) between 07:00 and 23:00.

The maximum specific sound level (LAeq,Tr), for building services from the site, shall not exceed 35dBLAeq,Tr at measurement locations Five and Six (as specified within the Noise Impact Assessment, produced by ARUP - issue 22 May 2015) between 23:00 and 07:00.

Reason: In the interests of residential amenity

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV9, EV10, EV28, EV30, EV33, EV34, EV35, EV36, EV38, EV39, EV40, HC23, AS2, AS5 and AS6.
- 2 DCWW would like to make the developer aware that the proposed development is within close proximity of a public foul sewerage pumping station. No habitable buildings should be constructed within a 15m vicinity of the pumping station so as to minimise any effects of noise and odour nuisance.
- 3 Bats are known to be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

The applicant is advised that they will require a European Development License from Natural Resources Wales PRIOR to works commencing.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

## PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 2 (CONT'D)

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- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 The Developer is advised to 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 to ensure a Construction Traffic Management Plan and appropriate consents for works to the highway are in place. Please contact the Team Leader, e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091.
- 6 The Council's Pollution Control Officer has advised the following:
- 1 Construction Noise  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
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.
  - 2 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.
  - 3 Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 4 Lighting  
During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk) ] recommendations.

**PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015**

ITEM 2 (CONT'D)

APPLICATION NO.

2015/1171

- 7 The City and County of Swansea is now responsible for the regulation of any works affecting watercourses as laid out under the Land Drainage Act 1991 (as amended) if there are any works proposed to the watercourses surrounding or on site our prior written consent will be required in addition to any other permissions given.
  - 8 The applicant is reminded of the requirement to discharge the conditions of the Conservation Area consents in place for the site in accordance with the details approved under those applications.
  - 9 The applicant is advised to take note of the comments raised by the Police Designing Out Crime Officer and the standard advice from NRW in response to this application. These comments are available in full on the Council's website under this application reference.
-



ITEM 3 (CONT'D)

APPLICATION NO.

2011/0758

**BACKGROUND INFORMATION**

**RELEVANT PLANNING POLICIES**

**Unitary Development Plan**

Policy EV1	New development shall accord with the stated objectives of good design
Policy EV2	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 its surroundings.
Policy EV3	Accessibility
Policy EV33	Sewage Disposal
Policy EV34	Protection of Controlled Waters
Policy EV35	Surface Water Run-off
Policy EV36	Development and Flood Risk
Policy HC1 (112)	site allocated for residential development – Land south of A48, Pontarddulais
Policy HC3	Affordable Housing
Policy HC17	Planning Obligations

**Supplementary Planning Guidance**

Planning Obligations (March, 2010)

Places to Live – Residential Design Guide Jan. 2014

**National Planning Policy Guidance:-**

**Planning Policy Wales (Edition 7 – July 2014)**

Supports in principle the redevelopment of previously developed (brownfield) land for new development, in preference to Greenfield sites. Developments should be well designed, integrated and connected to existing settlements.

**Technical Advice Note: 12 Design**

**Technical Advice Note: 15 Development and Flood Risk**

## PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2011/0758

### RELEVANT PLANNING HISTORY

- 2008/1960 Construction of retail store (Class A1) - 4.169 square metres (44,874 square feet) gross floor space with 324 parking spaces, petrol filling station/car wash, vehicular access off Water Street, including off site highway improvements incorporating a new signalled junction with Station Road, and a roundabout at the junction of Iscoed Road and Fforest Road (A48), and a pedestrian link to St Teilo Street and associated landscaping works  
Planning Permission June 2009 subject to a Section 106 Planning Obligation
- 2008/1959 Construction of 49 no. two storey dwellings with vehicular access from Trinity Place and associated access roads and external works  
Planning Permission March, 2009

### RESPONSE TO CONSULTATIONS

#### ORIGINAL PROPOSAL

The application was advertised on site and in the local press and 53 No. properties were consulted individually. No response

#### AMENDED PROPOSAL

53 No. properties were re-consulted individually. FOUR LETTERS OF OBJECTION, making the following points:

1. Potential traffic though Golwy y Llanw
2. Impact of extended road through existing gardens.
3. Development will obstruct view and light.

#### FURTHER AMENDED PROPOSAL

53 No. properties were re-consulted individually. ONE LETTER OF OBJECTION, making the following point:

1. Voicing concern if there were to be vehicular access from Golwg y Llanw

**Pontarddulais Town Council** - opposes the application on the grounds that there has been considerable housing development in the town over the last 15 years with no resultant improvement to the infrastructure and serve development of the town.

ITEM 3 (CONT'D)

APPLICATION NO.

2011/0758

**Environment Agency –**

Flood Risk

The FCA accepts that the site is largely within zone C2 and also that it lies partly within zones 2 and 3 on our Flood Map. The FCA also accepts that the site is at risk of flooding from a number of sources including tidal inundation, fluvial flooding from the adjacent watercourse and sewer flooding from the existing combined sewer.

With regard to the threat of tidal inundation the FCA suggests that site levels could be raised to provide a minimum slab level of 7.6m AOD. This would comply with the flood free threshold required in Table A1.14 of TAN15, including a climate change allowance for a 100 year lifetime of development. It would also comply with the allowable depth of flooding outlined in Table A1.15 of TAN15. In order to achieve the minimum slab level, parts of the site (currently at around 5.7m AOD) would need to be raised by nearly 2m. Other large parts of the site would need to be raised by around 1m. We would therefore query the sustainability of raising site levels this much in order to allow for dwellings to be located within a flood risk area.

Raising ground levels within a flood risk area will reduce flood storage and displace flood water and flows, which may in turn increase the risk of flooding to existing property and/or land. This would be unacceptable. In order to mitigate against this detriment, it is proposed to form a compensatory storage area on adjacent land within the applicant's ownership. We would strongly recommend that as this compensatory flood storage area forms an integral part of the proposed development, the application site boundary should be amended to include this area. This will allow greater control over future maintenance of any approved mitigation scheme and ensure its operation over the lifetime of the development.

The FCA refers to emergency access arrangements to the proposed development in times of flood and notes the risk to the new distributor road. If this development secures planning permission, then the details and feasibility of the proposed emergency access arrangements should be outlined in a flood management plan. This should be submitted to and approved in writing by yourselves as the LPA in liaison with other relevant bodies.

Burry Inlet

In addition to the flood risk concerns, the site is also located in an area where there are on-going concerns regarding the sewerage infrastructure. These concerns relate to the impact on the Burry Inlet (Carmarthen Bay and Estuaries) SAC from additional pollution and nutrient loading. This has resulted in a Memorandum of Understanding (MOU) being prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your authority must be satisfied that the proposed method of foul and surface water drainage from the site will not cause any detriment to water quality.

We understand that foul flows generated from the development are to be connected to the main sewerage system, which we have assumed is via the nearby pumping station.



## PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2011/0758

While this is our preferred and most sustainable method of foul water disposal, prior to determination we would ask for confirmation from Welsh Water that the pumping station and sewerage network has the hydraulic capacity to accommodate the additional flows generated without causing pollution. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal has been implemented within the same catchment.

### Surface Water

With regard to surface water disposal, in order to avoid hydraulic overloading of the sewerage system, it is imperative that no surface water is allowed to enter the sewerage infrastructure.

We note that the application form and FCA proposes to discharge surface water freely to the watercourse that runs through the site, as implemented on an adjacent site following agreement with your Engineers on the benefits to existing flood risk upstream. The FCA also acknowledges that allowance for tidal locking of the surface water system will need to be incorporated within the surface water drainage design.

Discharging surface water directly into a watercourse is not considered to be acceptable. Unless a similar agreement can be reached with your authority's drainage engineers on the basis of betterment upstream, then the surface water system should be designed to demonstrate reduced flows off the site. We would strongly recommend that where possible, sustainable drainage systems (SUDS) are used. We recognise however that ground conditions may preclude the use of some techniques, however the variety of techniques available means that virtually any development should be able to include a scheme based around these principles.

We would strongly recommend that prior to determination, a full surface water drainage scheme based on SUDS principles is submitted in writing to your Authority for approval.

### Further Comments

We can confirm the calculations used to estimate the hard standing area within Phase 3 are correct. However, whilst the technical content of the e-mail is accepted as factual, it does not alter our previous advice, that to comply with TAN15 guidance, a SUDS scheme should be provided to deal with surface water drainage.

Applying attenuation to runoff from the site would reduce the risk of exacerbating flooding from a double peaked storm, where the peak of flooding on the main river potentially coincides with a short duration high intensity storm over the site. If, however, in consultation with your own Drainage Engineers, it is considered acceptable to allow free discharge of surface water from the site, then the capacity of the receiving watercourse and structures thereon should be confirmed so as not to increase flood risk in the area.

### **Welsh Water Dwr Cymru -**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. Conditions are recommended relating to foul and surface water discharges.

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ITEM 3 (CONT'D)

APPLICATION NO.

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**Highway Observations** – This proposal is for the construction of 32 dwellings on land west of Trinity Place, Pontardulais. The site is to be accessed from the newly constructed access road serving Tesco store and will be in the form of a priority junction just beyond the Tesco roundabout access.

A traffic statement has accompanied the application which assesses the impact of additional movement at the new traffic controlled junction onto Water Street. The statement concludes that an envisaged 60 dwellings would have a negligible impact on the operation of the signals which would remain within their theoretical capacity. This proposal is for only 32 dwellings and is therefore considered acceptable in traffic movements/volume terms.

The development of this phase will not affect the option to construct a through distributor road along the old railway alignment should that be considered necessary in the future. That aspect however would require separate consideration and is not part of this current proposal.

The development indicates a mixture of dwellings with predominantly on site parking within each plot. There is some shared parking where house types require this and overall the level of parking provision is acceptable. Carriageway and footway widths accord with recommended standards and are also acceptable.

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

1. All road works being undertaken to Highway Authority standards and specification and in accordance with detailed engineering drawings which must be submitted and approved prior to any works commencing.
2. 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 Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.

Note 2: The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.

Amended Plan

The amended layout plan shows an increased number of dwellings from 32 to 35. The site layout has been able to change as a future by-pass is no longer considered viable along the former railway line. The land required for this therefore does not need to be reserved which had an effect on the development layout.

All other matters are outlined in my previous report are still valid and my overall recommendation therefore does not change.

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APPLICATION NO.

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## APPRAISAL

### Background

It was resolved to approve this application for , what was then, the construction of 32 dwellings in October 2011, subject to the completion of a Section 106 Planning Obligation, in respect of an education contribution (£50,000) to be paid on a phased basis (£25,000) on completion on 50% of the dwellings, with the remaining £25,000 to be paid on completion of the development. The Section 106 Planning Obligation has not been completed by the developer and since the original resolution Cabinet resolved on 28 February, 2013 not to proceed with further work on the potential development of the Pontarddulais Southern Bypass. The original submission comprised a relatively contrived layout as it was constrained by the reservation of a strip of land along the western boundary along the line of the former railway line for the potential Pontarddulais by-pass road, which additionally accommodates a Welsh Water watermain.

As the Section 106 Planning Obligation has not been completed the planning application is effectively undetermined. The decision not to proceed with development of the Pontarddulais Southern Bypass has allowed the development plots to be revised with the omission of the 2 metre wide landscaping strip along the western boundary. Additionally, it has emerged that the northern boundary of the site adjacent to the roundabout along the access road was inaccurately drawn and as a result the proposed layout has therefore been amended. Planning permission is now, therefore, sought for a revised scheme of 35 dwellings on this revised site area. .

### Proposed Development

The application seeks full planning permission for the construction of 35 dwellings with vehicular access from the access road to the Tesco retail store on land to the west of the centre of Pontarddulais. The cleared site lies adjacent to the completed residential development (Ref:2008/1959) to the west of Trinity Close / Blaenmorfa) referred to as Phases 1 / 2 and there is a car scrapyards / repair garage to the north. The site layout would essentially comprise of two and three bedroom semi-detached and linked two storey dwellings. The site is allocated for residential development (Land south of A48, Pontarddulais) under Policy HC1 (112).

The application has been subject to a Screening Opinion for an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to assess the impacts of the development. Whilst it was acknowledged that the site is located adjacent to the environmentally sensitive area of the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) and Carmarthen Bay and Estuaries Special Area of Conservation (SAC), it was not considered that the associated environmental issues would be of more than of local importance to warrant the submission of an EIA. It was therefore considered that an Environmental Impact Assessment was not required for the proposed development. The application is accompanied by a Design and Access Statement (DAS), Flood Consequences Assessment (FCA), Transport Statement and Extended Phase 1 Habitat Survey. A Code for Sustainable Home Pre-Assessment has also been submitted.

### **Main Issues**

The main issues for consideration in this instance relate to the whether the scheme represents 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 with the surrounding area of Pontarddulais, the transport implications of the proposal and the impact of the proposal on the development constraints within the site including existing ground conditions. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Development Plan Policy and Land Uses**

Within the adopted Unitary Development Plan, Policy HC1 (112) – (Land south of A48, Pontarddulais) allocates the site for residential development as part of a mixed use scheme which has an indicative capacity of 200 units, although a substantial part of the allocation has been occupied by the Tesco's development. However, the proposal accords with UDP Policy HC1 in principle. Since the proposal was originally considered in 2011, there has been a material change in circumstances with the adoption of the Council's SPG – 'Places to Live – Residential Design Guide' in January, 2014. It should be noted that in considering the original scheme against the SPG, there are numerous elements which would not be compliant, in particular, the dominance of frontage car parking, pedestrian links and the elevational treatment of the corner plots / gable elevations.

Policy HC17 indicates that in considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Planning Act. The Council will expect developers to make contributions towards social, economic or environmental investment to address reasonable identified needs. The Council has adopted a Planning Obligations SPG and this issue is discussed in detail below.

UDP General Development Principle Policies EV1, EV2 and EV3 provide the policy context to ensure new development shall accord with the objectives of good design, be appropriate to the local character and context of the site, not result in a significant detrimental impact on local amenity and have general regard for the development to provide reasonable access.

Policy EV33 requires all development to be served by the public mains sewer, whilst Policy EV34 requires that development proposals should only be permitted that do not pose a significant risk to the quality and or quantity of controlled waters. Policy EV35 indicates that additional surface water run-off should not result in flooding or result in a reduction of the quality of surface water run-off. Within flood risk areas, Policy EV36 development will only be allowed where it is justified and the consequences of flooding are acceptable.

### **Design and Layout**

The density of the residential layout is relatively high; however, this reflects the density and local character of Pontarddulais and also that of the completed Phase 1 and 2 developments.

The layout is constrained by a Welsh Water watermain along the western boundary and it is proposed to obtain vehicular access from the roundabout to the Tesco access road. Moreover, the proposed vehicular access is intended to serve the proposed further residential development to the south east of the site which is also designated as part of the UDP Policy HC1 allocation. The site layout is further constrained by the 6 metre Welsh Water foul sewer easement that runs diagonally through the site which discharges to the Pumping Station to the west of the site. It has also become evident from the amended layout that the original layout was inaccurate in that the access road / roundabout indicated on the revised site layout extends further into the site effectively reducing the size of the site, which further accentuates the cramped nature of the development.

The siting of the proposed dwellings has been dictated by the road layout and the above constraints. The dwellings on the eastern side of the road on plots 9 – 19 will retain a minimum 12 m gable end separation distance to the existing residential properties in the development at Golwg y Llanw, whilst the dwellings on the western half of the site are orientated fronting onto the road.

The eastern boundary of the residential layout abuts the residential properties recently constructed within Phases 1 and 2 (Golgwg y Llanw). The FCA indicates that the site is relatively flat with a gentle slope to the south west with ground levels varying from 7.5m AOD to the north to approx. 5.70m AOD at the southern boundary of the site. In order to reduce the tidal flood risks to the development it is proposed to raise levels in the lower parts of the site and adopt a minimum slab level of 7.6m AOD for the development. The adjacent dwellings within the Phase 2 development to the east of the site have been constructed with slab levels ranging from 7.610m AOD to 7.25m AOD. Consequently, the levels of the proposed dwellings would have an acceptable relationship to the existing dwellings in this respect.

### **The amended scheme**

As outlined above, the previous 2m wide landscaping zone that was in place to screen the development from the proposed Pontarddulais bypass scheme has been incorporated into the residential layout. On the basis of this additional 2m strip, an amended scheme was submitted by the applicant in June of this year which increased the number of dwellings from 32 to 35 units.

That amended scheme had many shortcomings over and above the previous scheme originally considered in October 2011; notwithstanding that this original scheme would not meet with many of the requirements of the Residential Design Guide, and a revised scheme was submitted in August 2015 in an attempt to address officers concerns in this respect.

The architectural designs of the dwellings are based upon a simple palette of forms, features and materials comprising of render and brickwork with brick window details and an external finishes condition would be imposed to approve the precise details. The principle of using this palette of materials would be acceptable. The layout has been amended to incorporate 1.80 metre high brickwork / render walls to the rear boundaries and side boundaries where they abut the internal estate road. The details of this boundary wall will be controlled by condition.

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The residential layout, however, backs onto the access roundabout and the previous scheme originally considered in October 2011 made provision for a landscaping strip to mitigate the lack of active frontage, the presentation of rear elevations and the presence of blank rear boundary walls. The current scheme again presents blank rear elevations to the site frontage but because of the more cramped nature of the site, there is no scope to mitigate this impact with a landscaping strip. It is proposed to address this issue with the construction of a 1.80m high boundary wall to be 'broken-up' with brick piers and rendered infill panels (detailed scheme to be agreed by condition) and the planting of mature trees within the boundary of the rear gardens to plots 1 – 8.

The dwellings at plots 9 – 19 are all turned sideways 90 degrees to the access road which is the main streetscene of the development. This results in a long streetscene on this side of road comprising of side boundary walls interspersed by the side elevations of dwellings and parking areas. This approach is however highly undesirable in urban design/visual terms and reduces natural surveillance and activity onto the street. Additionally, the proposed rear garden for plot 1 was below the absolute minimum acceptable size of being the same size as the footprint of the dwelling it serves, contrary to para 15.11 of the Residential Design Guide.

In order to address these latter concerns, the site layout has been further amended by re-siting plots 1-2 further forward to provide a larger rear garden area to serve these properties. In addition a revised house type (K), which incorporates a principal elevation onto its side elevation including an entrance and habitable-room windows has been introduced at plots 1-2 providing more visual interest and street surveillance. Additionally, the dwellings on plots 11, 16 & 17 (which are the three additional dwellings) have incorporated ground floor box bay windows onto the side elevations windows in order to provide more visual interest within the street scene and also provide an element of natural surveillance.

The long unbroken row of parking serving plots 1 – 4 adjacent to the entrance to the scheme, and along plots 20 – 35 remains and creates a car dominated street environment with an excessive number of pavement crossovers which reduces the quality of pedestrian experience contrary to the 'Accommodating Parking' Principles within the adopted Residential Design Guide. Additionally, the road layout between plots 4 – 10 remains unaltered and is configured in a contrived manner, providing for a poor pedestrian access to scheme from Golwg y Llanw which is not legible, has no forward view and has poor natural surveillance, contrary to paragraphs 9.3 & 9.14 of Residential Design Guide.

Whilst the current scheme still incorporates numerous elements which do not comply with the Residential Design Guide, the amendments detailed above have attempted to address some of those concerns. It is recognized, however, that the original scheme considered in October 2011 was a significant compromise having regard to the constraints of the site, and that this would not meet the current requirements of the residential Design Guide. Having due regard to this previous scheme, therefore, it is considered that on balance a recommendation of refusal would not be justified in this instance..

**Water Quality Issues within the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) and Carmarthen Bay and Estuaries Special Area of Conservation (SAC)**

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The site is located within the drainage catchment area that drains to the Loughor Estuary and Burry Inlet which forms part of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). The City and County of Swansea, as the competent authority, is required to carry out a Test of Likely Significant Effect (Habitat Regulation Assessment) of the proposal under the Conservation of Habitats and Species Regulations 2010. The TLSE is intended to assess the likely effect of the drainage proposals of this development on the integrity of the CBEEMS both alone and in combination with other developments in the same catchment area .

The TLSE has been undertaken and concludes that subject to the drainage conditions recommended, the development will not have a significant effect on its own or in combination with other developments in the catchment area for the reasons set out in the TLSE. These relate to the compensatory hydraulic capacity which has been created in the catchment area and which is recorded in the Register of approvals kept by the Council in accordance with the Memorandum of Understanding (MOU), signed by the City and County of Swansea (CCS), Carmarthenshire County Council (CCC), Countryside Council for Wales (CCW), Environment Agency Wales (EAW), and Dwr Cymru Welsh Water (DCWW) on the 1<sup>st</sup> March, 2010 (as revised by the MOU signed 12 Sept. 2011). Also the phosphate stripping carried out at the Llanant WWTW which has created a capacity for 1000 new dwellings within that part of the catchment area in Swansea. A full Appropriate Assessment under the Habitat Regulations is not therefore necessary and the application can be approved subject to the drainage conditions indicated. This would satisfy the requirements of the Habitat Regulations.

## **Flood Risk**

### Tidal Flood Risk

The FCA indicates that the site is relatively flat with a gentle slope to the south west with ground levels varying from 7.5m AOD to the north to approx. 5.70m AOD at the southern boundary of the site. There is a stream along the southern boundary which is culverted below the dismantled railway line, and consists of a 1.80 metre wide masonry arch. The site lies adjacent to the tidal reaches of the River Loughor. The majority of the site lies within zone C2 on the development advice map under TAN15, which is defined as an area of flood plain without significant flood defences considered to be at risk from a 0.1% (1 in 1000) annual chance event. The C2 zone is based on the EA's extreme flood outline (0.1%) which is estimated to have a level of 6.08m AOD and the FCA indicates that only the southern part of the site is situated below a level of 6.08m AOD and therefore it is only this part of the site which lies within the C2 zone. In order to reduce the tidal flood risks to the development it is proposed to raise levels in the lower parts of the site and adopt a minimum slab level of 7.6m AOD for the development.

### Fluvial Flood Risk

The FCA has also considered the fluvial flood risk from the watercourse to the south of the site which is culverted below the former railway line and is indicated to have sufficient capacity to convey run-off from the stream into the flood plain of the River Loughor. However, in the event of the capacity being exceeded there is the possibility of overland flows entering the site. Raising the site levels will however, provide a natural protection from a flood stage within the watercourse. In order to compensate for any loss of local storage, it is proposed to create a low-lying environmental amenity area adjacent to the south east corner of the site.

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The proposed earthworks will compensate for the flood storage lost by raising parts of the site. The EA recommends that the compensatory flood storage area forms an integral part of the proposed development and should be maintained over the lifetime of the development. With regard to the compensatory flood storage area, this has been agreed by the former Environment Agency.

#### Site Drainage

The FCA has given consideration to the requirement to Sustainable Urban Drainage (SUDS) systems, however, it is indicated that having regard to the site location at the lower reaches of the stream and adjacent to the tidal reaches of the River Loughor, there are benefits from not attenuating surface water runoff from the site. The development under Phases 1 and 2 (Ref:2008/1959) has an agreement with the Council's Drainage Engineers having regard to the benefits to existing flood risk upstream. The initial response from NRW was that discharging surface water directly into a watercourse was not acceptable and that unless a similar agreement can be reached with our Engineers, then the surface water system should be designed to demonstrate reduced flows off site through a SUDS system.

In support of the phases 1 & 2 a Surface Water Drainage Strategy was submitted (Dec. 2009) which was based on the unrestricted discharge of surface water from the proposed development to the Ordinary Watercourse along the south – eastern boundary of the site. This was approved, however, the Strategy was based on the residential site (Phases 1 and 2) and the assessment was based on the impermeable surface areas of the food store development.

In order to consider a similar strategy for this current Phase 3 proposal, an Addendum report has been submitted based on the impermeable surface area of the proposed residential layout of Phase 3, indicating that the surface area will be less, and therefore demonstrates that a similar capacity exists through the culvert. The Council's Drainage Engineer has consequently accepted the free discharge into the watercourse for the proposed Phase 3 development subject to a planning condition requiring the maintenance / management of the surface water drainage scheme (as imposed under Ref:2008/1959 (Phases 1 & 2)).

#### **Site Contamination**

The Head of Pollution Control indicates that the former Cambrian Tin Plate Works and Dulais Tin Plate Works were located within the vicinity of the site and therefore contamination is strongly suspected on the site and there is also the potential for ground contamination to have migrated from outside the site. It is recommended some site investigation work is carried out and it is therefore proposed to impose planning conditions requiring a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination at the site.

#### **Transport**

The site is to be accessed from the newly constructed access road serving Tesco store and will be in the form of a priority junction just beyond the Tesco roundabout access. A traffic statement has accompanied the application which assesses the impact of additional movement at the new traffic controlled junction onto Water Street.



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The statement concludes that an envisaged 60 dwellings (which also accounts for the proposed Phase 4) would not have a significant impact on the operation of the signals which would remain within their theoretical capacity. The amended proposal is for only 35 dwellings and the Head of Transportation and Highways considers this to be acceptable in traffic movements/volume terms. The Head of Transportation and Highways considers the overall level of parking provision to be acceptable and that the proposed carriageway and footway widths would accord with recommended standards. No highway objections have therefore been raised.

### **Planning Obligations**

As indicated above, UDP Policy HC17 indicates that in considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Planning Act. The Council will expect developers to make contributions towards social, economic or environmental investment to address reasonable identified needs. The Council has adopted a Planning Obligations SPG to implement this policy.

### Education Contribution

When this application was considered in October 2011 the developer had indicated a willingness to make an education contribution of £50,000 which was accepted and as a consequence it was resolved to approve this application subject to the completion of a Section 106 Planning Obligation, in respect of the agreed education contribution of £50,000.

This Section 106 Planning Obligation has not been completed by the applicant, which is a highly undesirable situation given the time that has elapsed since the original resolution. The applicant has, however, indicated a desire to commence development as quickly as possible and it is recommended, therefore, that if this application is approved subject to a Section 106 Planning Obligation then the Obligation must be completed within 6 months with the education contribution of £50,000 being index linked from the date of any Committee resolution to approve planning permission.

Under Section 29 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, having regard to the timescales for determination having lapsed, if it appears to the Local Planning Authority that the Section 106 Planning Obligation is unlikely to be completed, then the LPA could treat the application as being finally disposed of i.e. withdrawn.

If the Obligation is not completed within the timescales specified above the application will, therefore, be reported back to Committee with a view to either disposing of the application or as a development contrary to the provisions of UDP Policy HC17.

### Affordable Housing

UDP Policy HC3 indicates that 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 generally focus on new housing developments of 25 or more dwellings.

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However, in this instance the completed Phase 1 and 2 development under Ref:2008/1959 (49 dwellings) has been constructed for the Coastal Housing Group and having regard to the overall viability of the proposed development referred to above and the priority with regard to the education contribution then it is not proposed that affordable housing would be required in this instance.

### Conclusions

The proposed development is in accordance with UDP Policy HC1 and therefore having regard to all the relevant Development Plan Policies and all other material considerations on balance it is not considered that a recommendation of refusal could be justified in this instance. Approval is therefore recommended subject to the developer entering into a S106 Planning Obligation in relation to the education contribution detailed above.

### RECOMMENDATION

#### APPROVE, subject to:

1. **the completion of a Section 106 Planning Obligation in respect of an education contribution (£50,000) with the agreed phased payments (trigger points) consisting of £25,000 to be paid on completion of 50% of the dwellings (i.e. 17 units) with the remaining £25,000 to be paid on completion of the development,**
2. **the Section 106 Planning Obligation being completed within 6 months of the date of the Committee resolution to approve planning permission,**
3. **the education contribution being index linked from the date of the Committee resolution to approve planning permission.**
4. **and to the following conditions:**

- 1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission.  
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: [Drg. Nos HG.12.03 205 Rev. A (Type G), HG.12.03 207 Rev. A (Type G), HG.12.03 230 (Type H), HG.12.03 232 (Type H), HG.12.03 180 Rev. B (Type F), HG.12.03 182 Rev. B (Type F), HG.12.03 255 Rev. A (Type J), HG.12.03 257 Rev. A (Type J), HG.12.03 355 Rev. A (Type L), HG.12.03 357 Rev. A (Type L), LT1424.04.01 Rev. H, LT1421.04.02 rev. A plots 1-13 +17-19, LT1421.04.03 rev. A plots 14 - 16; HG.12.03.405 - 407 house type K- amended plans received 26 Aug, 2015]  
Reason: To define the extent of the permission granted.

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- 3 Notwithstanding the details indicated in the application, and unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of any superstructure works details of the means of enclosing the site boundaries and the individual curtilages of all dwellings, including the details of the height, design and materials of any forecourt enclosures, shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority all means of enclosure shall be completed in accordance with the approved scheme prior to beneficial occupation of the dwellings. The rear and side boundaries to dwellings adjacent to the access road and internal estate road shall be enclosed with screen walls unless otherwise agreed with the Local Planning Authority.
- Reason: In the interests of visual amenity and general amenity.
- 4 Notwithstanding the details indicated in the application, 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 prior to the commencement of any superstructure works. The development shall be completed in accordance with the approved scheme.
- Reason: In the interests of visual amenity.
- 5 The development shall not be occupied without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site 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.
- 6 The proposed dwellings shall incorporate a minimum finished floor level of 7.60m AOD.
- Reason: In order to ensure the dwellings are not affected by potential tidal flooding.
- 7 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.
- 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 in writing by the Local Planning Authority. The roads shall be constructed in accordance with the approved details.
- Reason: To allow the proper consideration of all details in the interests of highway safety.

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- 9 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit 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 in writing 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 Residential Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 11 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of superstructure works, a scheme for foul drainage shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such a scheme must ensure that a foul sewer is provided which enables each individual plot to connect to the main foul public sewer.  
Reason: To prevent hydraulic overloading of the public combined system, to protect the health and safety of the existing residents and ensure no detriment to the environment.
- 12 No development approved by this permission shall be occupied until details of the surface water drainage and maintenance and management of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:  
i a timetable for its implementation, and  
ii a management and maintenance plan for the lifetime of the development.  
Reason: To prevent the increased risk of flooding and to ensure the protection of water quality by ensuring the provision of a satisfactory means of surface water disposal.
- 13 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 foul sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

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14 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 and which exclude site clearance, demolition, ground investigation and site preparation works), 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, based on (1) 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: Based on the previous contaminative uses on the site, and given the proximity of the site to the tributaries of the River Loughor, the site is considered to be of high environmental sensitivity.

15 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: Given the complexity of the previous uses on the site and the areas to where the trial pits and boreholes are limited to, it is considered possible that there may be previously unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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- 16 Prior to the 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 ensure that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality.
- 17 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.
- Reason: For the prevention of pollution.
- 18 A development free buffer strip of a minimum of 5 metres shall be maintained in perpetuity between the development and the top of the bank of any watercourse / surface water feature identified within, or along the boundary of the application site. This buffer strip must be protected from all development including gardens, decking, footpaths and benches.
- Reason: To protect the integrity of the riparian corridor and its associated wildlife.
- 19 Before the completion of the last dwelling, the proposed pedestrian link at the north eastern corner of the site shall be provided and completed in accordance with the details to be submitted to and approved in writing with the Local Planning Authority.
- Reason: In the interests of the amenity of the area.
- 20 No superstructure development shall commence until further details of the sustainable drainage measures (SUDS) measures such as permeable paving for the car parking areas, and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained, unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In the interests of sustainability and to reduce the risk of flooding within the area.

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ITEM 3 (CONT'D)

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- 21 The development shall not be occupied until the compensatory flood storage area adjacent to the south eastern corner of the site has been laid out in accordance with details to be submitted to and approved by the Local Planning Authority. The submitted details shall include details of the maintenance and management of the flood storage area for the lifetime of the development.

Reason: To prevent the potential risk of flooding and to ensure the area is maintained and managed for this purpose.

### INFORMATIVES

- 1 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, EV33, EV34, EV35, EV36, HC1 & HC17)
- 2 The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.
- 3 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.
- 4
- i. The applicant is requested to contact the Head of Environmental Services prior to the commencement of any works on site in order to identify any statutory controls which may be required in relation to the specific works being carried out and the hours of working on the site.
  - ii. The applicant's attention is drawn to the requirements of the Highways Act not to cause obstruction to the users of the public highway nor to allow soil, and or other materials to be deposited onto the street, and to obtain consent for the storage of building materials on the public highway. The applicant should contact the Head of Transportation to advise on the requirements of the Act and the penalties for non-compliance.
- 5 The Construction Method Statement (CMS) shall provide full details of all necessary pollution prevention measures for the construction phase of the development

The CMS shall include the following details:

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;

- Continued -

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ITEM 3 (CONT'D)

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- 5
- e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

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

6 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.

7 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.

8 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.

9 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations

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PLANNING COMMITTEE – 8<sup>TH</sup> SEPTEMBER 2015

ITEM 4

APPLICATION NO.

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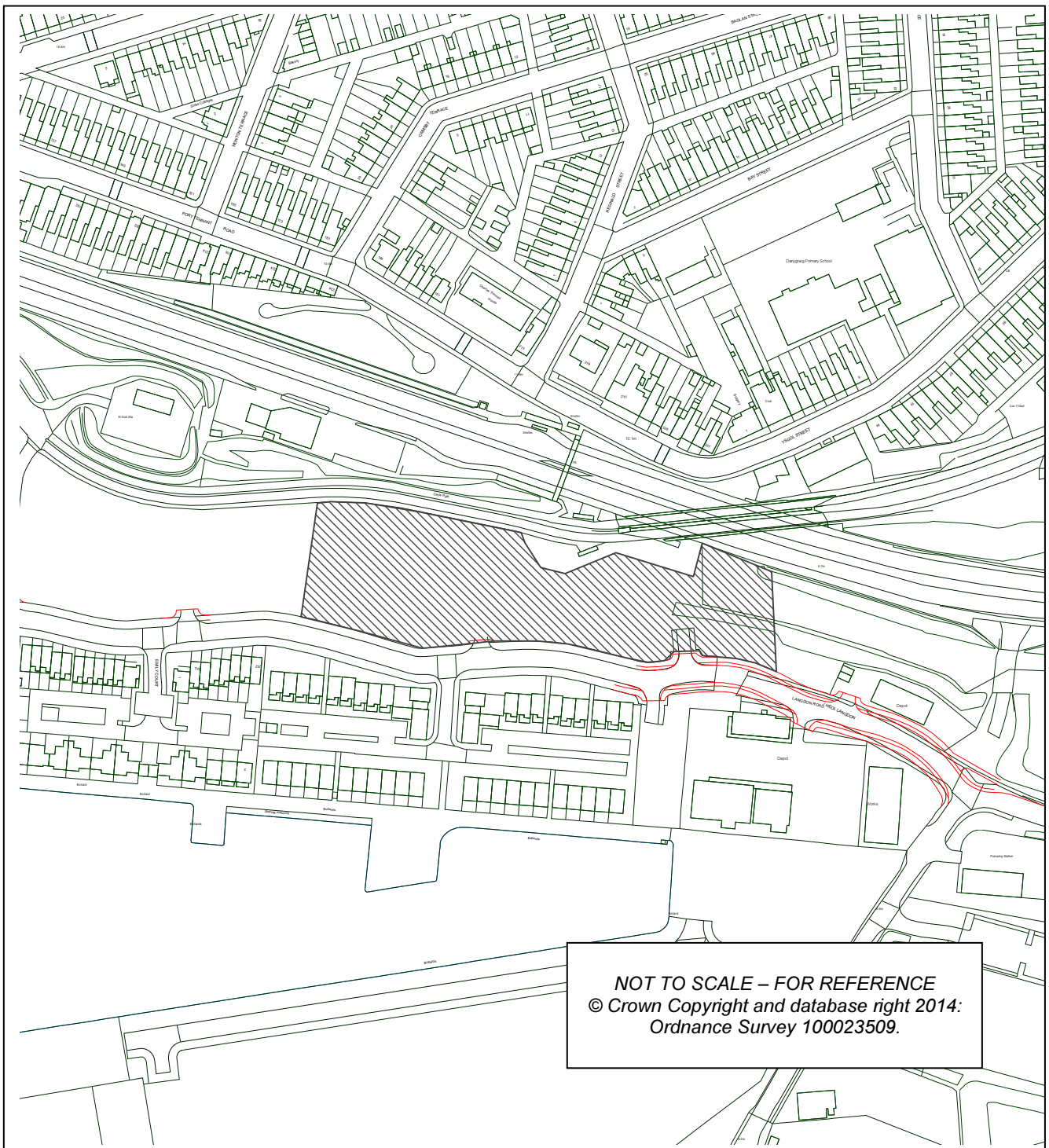
WARD:

St Thomas

**Location:** Plots E2 and E3a Langdon Road, Swansea Docks, Swansea, SA1 8QY

**Proposal:** Residential development of 61 no. units (37 two / three storey townhouses & 24 apartments in 2 no. three storey blocks) together with associated vehicular and pedestrian accesses, car parking, refuse storage, landscaping and associated works (details of access, appearance, landscaping, layout and scale pursuant to planning permission 2002/1000 granted on the 19th August 2003, as varied by planning permission 2008/0996 granted on the 11th October 2011).

**Applicant:** Persimmon Homes



**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.

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ITEM 4 (CONT'D)

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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

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## RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. ONE LETTER OF OBJECTION has been received. The principal points may be summarised as follows:

1. Number of planned houses because of the restricted nature of plot E3A.
2. Interference to light and air and the intrusiveness of large numbers of houses and overlooking apartments.
3. Enormous amount of traffic of 61 houses coupled with the opening of Langdon Road allowing access to SA1, as a rat-run from Fabian Way to the Docks, heavy transport and UWTSD.

**NRW** – No comments.

**Drainage Engineers** - We have reviewed the submitted application and recommend that the standard surface water condition be appended to any permission given.

**Glamorgan Gwent Archaeological Trust** – proposal will require archaeological investigation. A condition should be attached to ensure that the archaeological resource is investigated and where necessary protected.

**Head of Environment, Management and Protection** – no objection subject to conditions in respect of unsuspected contamination and Construction Pollution Management Plan (CPMP).

**Highway Observations** - This proposal is part of the SA1 development site that has been granted outline consent. The traffic impact of SA1 was considered at the outline stage and this current proposal has provided a transport statement in support of the detail for this site.

Ongoing discussion have been undertaken following concerns from Highways regarding the level of parking provision and accessibility of the site. Following completion of the sustainability appendix to reduce down each of the residences parking provisions it was demonstrated that the three bed units require two spaces per unit, with the one and two beds only requiring one space per unit. A travel plan will be required via condition to support this reduction (as set out in the parking SPG).

The site is in two parts each with priority junctions access directly from Langdon Road and the total number of residential units is 61. 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.

There is an informal parking area which links the two parts so a through route is available. Parking provision as referenced above is acceptable for residents and accords with adopted standards. Both dedicated and informal visitor parking is also provided within the site to acceptable levels. Traffic movements are estimated at 21 trips in each peak hour and this takes into account the sites accessibility and mixture of apartments and dwellings.

The visitor spaces are clearly marked out and should be retained for visitor use only.

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The internal site layout is acceptable in safety terms and allows for two way flows and access for emergency vehicles but is otherwise not suitable for adoption as parts of the layout do not comply fully with this Council's standards. The roads within the site therefore will need to remain privately maintained, which is an option normally associated with the proposed developer.

The integral garages will need to be conditioned to be retained for parking purposes only else the three bed units could be reduced to a single parking space which could have repercussions for the overall movements within the site.

Access to public transport and local amenities on Fabian Way and beyond (St Thomas/Port Tennant) were key to the acceptability of the parking reduction and as such the pedestrian link onto the express bus way and the cycle way is critical. Whilst a formal crossing facility such as a pelican or puffin crossing is not appropriate this location the minimum requirement will be the construction of a dropped kerb crossover to allow improved access for the residents. This can be secured via condition.

I recommend no highway objection subject to the following;

1. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
3. The parking areas as laid out, to be retained for parking purposes only in perpetuity.
4. The construction of a pedestrian dropped kerb crossing adjacent to plot 7 to Highway Authority Specification.
5. 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 residential use commencing.
6. Permitted development rights being removed with respect to the garages to ensure that adequate parking is retained for the three bedded units. .

**Note 1: Management and Maintenance of Estate Streets**

The applicant is advised that to discharge this condition, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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Note 2: 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 mark.jones@swansea.gov.uk , tel. no. 01792 636091

### APPRAISAL

This application seeks full planning permission for a residential development of 61 units comprising of 37 three storey town houses and 24 apartments in 2 no. three storey blocks with associated vehicular and pedestrian access, car parking, refuse 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 (NCN4) 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 E2 and E3a 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 0.83 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 has been designed to respond to the form of development on Plot D10 along the southern side of Langdon Road with the provision of frontage development to Langdon Road and also to NCN4 to the north which will enclose a central, communal courtyard. This provides for a dual aspect to the development which is appropriate given its visual prominence from Fabian Way and the residential community of Port Tennant to the north. The site will have two vehicular access points from Langdon Road with a connection through the courtyard and it is also proposed to provide a pedestrian route through the site from north to south to ensure connectivity with the wider SA1 site and linking with the pedestrian bridge across Fabian Way to Port Tennant. It is proposed to construct 30 no. three storey townhouses along Langdon Road and 24 no. apartments in the form of two bedroom apartments over in 2 no. three storey blocks together with a further 7 no. townhouses / two storey houses to the rear. As indicated 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 / render. A total of 84 car parking spaces are proposed including 6 visitor 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.

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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.

### **Development Plan Policy**

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 E2 / E3A for residential use over 2 - 3 storeys. The proposal is therefore considered in principle to be acceptable in land use and general massing terms. Moreover, the site is part of the housing land allocation in SA1 Swansea Waterfront under for Policy HC1.

### **Affordable Housing**

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.

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

It is considered appropriate that this current proposal makes a 10% affordable housing provision in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation requirement rather than the Council's Planning Obligations Supplementary Planning Guidance (SPG) which normally expect that 25 – 30% of all dwellings will be affordable housing. This position would be consistent with the decision to provide 10% affordable housing on the adjacent development on Plots D8 / E1 (ref: 2015/0030) reported to this Committee on 12 May, 2015. Securing a 10% affordable housing provision would contribute to the delivery of the phased programme of the overall affordable housing provision within the SA1 development and would accord with the aspirations of Policy HC3 which seeks to negotiate the inclusion of an appropriate element of affordable housing and it is appropriate that this is tied to the planning permission via a Section 106 Planning Obligation.

### **Visual Impact and Design**

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 groups of townhouses to form symmetrical pitched roofs with the strategy of attempting to replicate the aesthetic of a 'dockside warehouse'. The groups of townhouses provide a strong presence to Langdon Road. The apartments to the rear are three storeys in height.

The three storey townhouses create a strong frontage onto Langdon Road which is enlivened by front doors, gable roofs, full height windows, coloured render panels, render variations and projecting Juliette balconies. The townhouses would be set back off Langdon Road with modest front gardens with the front boundary treatment consisting of a low level (1000mm) 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 design of the access road will avoid extensive areas of tarmac and to visually reduce the perception of a car dominated environment, it is proposed to use appropriate paving. The use of granite setts for vehicular cross-overs, T-junctions etc. has already been widely agreed and used within the SA1 development area in the. 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.



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ITEM 4 (CONT'D)

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The proposed palette of materials consisting of predominantly brick, white render together with a selection of vibrant render colours, and grey roofing materials, would be in line with the wider SA1 development, and would provide a sense of place in keeping with the 'dockland' character whilst responding to the contemporary nature of the wider SA1 development. The precise palette of materials 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 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 the 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 as all other aspects of the development's interface with adjoining areas of public realm.

### **Transportation**

As indicated above, the development will be served with two priority junctions off Langdon Road and the Head of Transportation indicates that adequate visibility will be provided. The site is also well served by public transport (from Fabian Way) and access would also be available to the local and national cycle network. Traffic movements are estimated at 21 trips in each peak hour and can be accommodated within the highway network. The proposed pedestrian route to the north of the site would link onto the express bus way and cycleway and would allow connectivity through the site and allow access to public transport and other local amenities in the surrounding area including those within St Thomas and Port Tennant.

The development will provide a total of 84 car parking spaces. Each 3 bed townhouse is allocated 2 spaces, with the 2 bed townhouse and 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).

The Head of Transportation indicates that whilst the internal road layout is acceptable in safety terms it is not suitable for adoption and is therefore likely to remain privately maintained and an appropriate condition is recommended in order to ensure satisfactory management and maintenance of the non-adoptable areas.

### **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. 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 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**

The submitted engineering layout indicates the existing sewer easement which traverses the site and which influences the layout and alignment of the pedestrian access to the north and the vehicular access from Langdon Road. The layout also indicates the provision of the adoptable foul and surface water sewers and connections onto Langdon Road. 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.

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Subject to the imposition of appropriate drainage 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. The engineering layout indicates that the minimum proposed level across the application site is 8.65 AOD and therefore there is no flood risk across the site.

### **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. There are known land remediation issues to be addressed and suitable conditions are imposed accordingly. Additionally, conditions are imposed relating to the requirements for a Construction Management Pollution Plan and Site Waste Management Plans to be implemented and informatives in respect of construction noise, smoke/burning of materials and dust control.

### **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 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.**

- 1 The development shall be carried out in accordance with the following approved plans and documents: [Site Location Plan PL-02, Engineering Layout rev. E 10059 --001, Apartment Block A APT-02, Sample House Type Elevation HT-00, Site Sections SE-01, Design and Access Statement, Transport Statement - 23 May, 2015; Amended Plan Materials Plan 10 -24023 PL-04 rev. B, Amended Landscaping Layout 20 24023 PL-06 rev. B, Amended Plan Street Scene 21 - 24023 -SS-01 rev. A, Amended Bin Stores 22 -24023 rev. A - amended plans received 23 June, 2015; Amended house types plans and elevations HT-548 type 01 rev. A - 3 Aug. 2015; Amended Site Layout 24023 PL-03, Preliminary Ground Floor Plan - House type B - Amended plans received 20 Aug. 2015]

Reason: To define the extent of the permission granted.

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- 2 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. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 3 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.

- 4 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.

- 5 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 within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within 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.

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- 6 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking area hereby approved/illustrated on the submitted plan shall be:
- (i) porous or permeable; or
  - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
  - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason: In the interests of sustainability.

- 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.

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8 Reason: It is considered that the controlled waters at the site are of high environmental sensitivity, being a Secondary Aquifer and contamination is known / 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 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 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of controlled waters and the wider environment.

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- 13 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 14 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.  
Reason: In order to mitigate traffic impacts on the surrounding highway network.
- 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 integral garages on House type B shall be constructed with a clear internal dimension of 6 metres by 3 metres and 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.

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- 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. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 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 Notwithstanding the details indicated in the application, no part of the development hereby approved shall be occupied until the road layout of the internal estate road including car parking, street lighting and the vehicular access spurs from Langdon Road into the development, have been submitted to and approved in writing by the Local Planning Authority. The road and parking layout shall be completed in accordance with the approved plans.
- Reason: In the interests of highway / pedestrian safety and visual amenity.
- 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 pedestrian access into the development along the northern boundary of the site shall incorporate a pedestrian dropped kerb crossing over the verge in the existing highway and shall be completed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Reason: In the interests of pedestrian safety.



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- 24 Prior to the occupation of any part of the development, the proposed arrangements for the future management and maintenance of the proposed internal road, car parking areas, circulation areas and areas of communal space / landscaping within the development shall be submitted to and approved by the Local Planning Authority. The management and maintenance scheme shall be implemented in accordance with the approved scheme.

Reason: In order to ensure that the non-adoptable areas within the development are satisfactorily managed and maintained.

### INFORMATIVES

- 1 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, HC1, HC3, AS1, AS2, AS5 & AS6)
- 2 The CPMP is to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc.
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

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

Informatives:

#### 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

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- 2 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.

2 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.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

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

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

3 Management and Maintenance of Estate Streets

The applicant is advised that to discharge the condition in respect of the arrangements for future management and maintenance of the proposed streets, the local planning authority will require a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- 4 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 [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091
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