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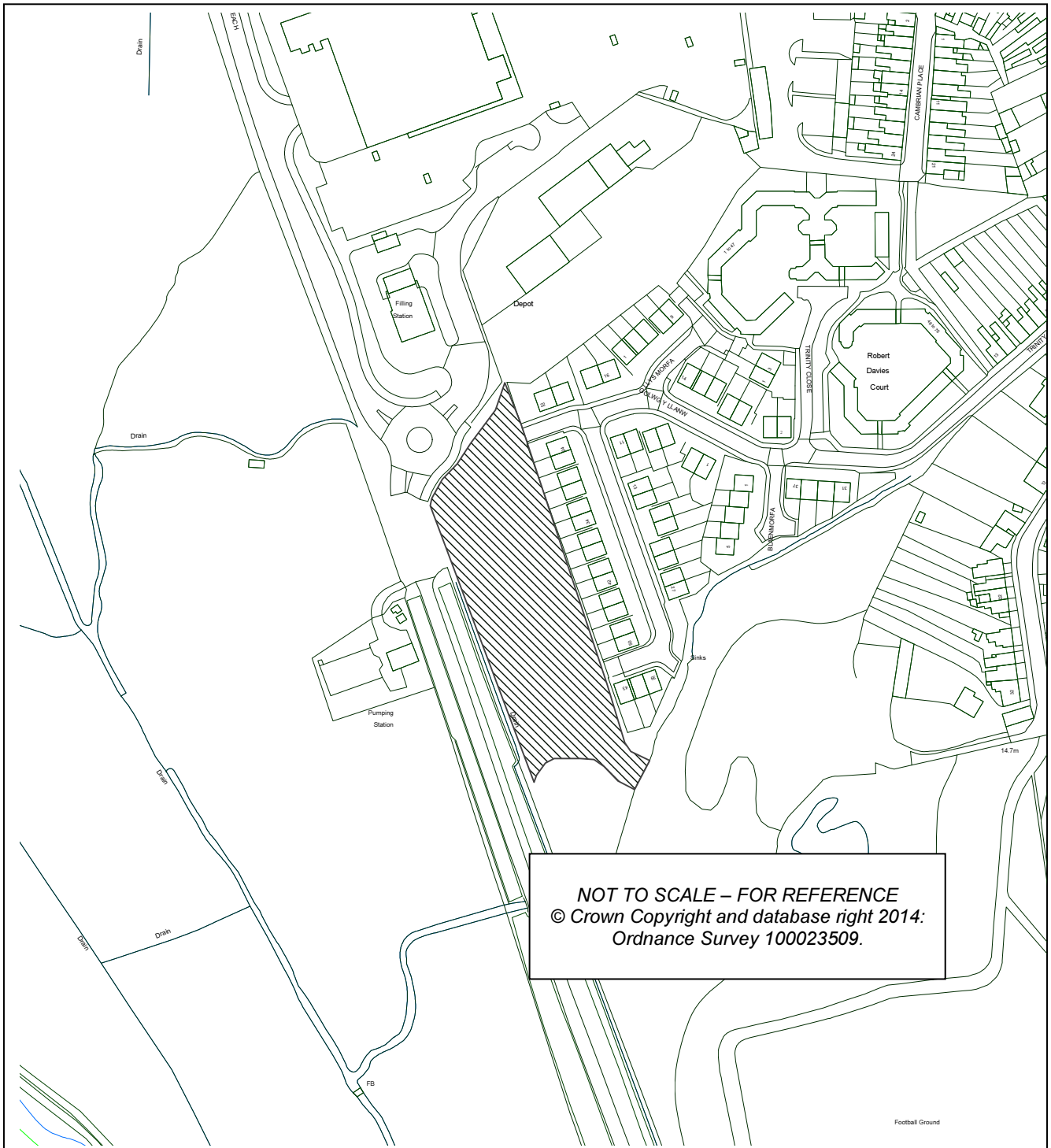
APPLICATION NO. 2011/0758

WARD: Pontarddulais

Location: Land to the West of Parc Y Bont off Trinity Place Pontarddulais Swansea

Proposal: Construction of 35 No. two storey dwellings with associated vehicular access, car parking and infrastructure works

Applicant: Hygrove Homes



This application was deferred at the Planning Committee on 8 September, 2015 to request an updated flood consequences assessment and for re-negotiation of the design and layout of the scheme in the light of current adopted SPG. Members did not consider that the previous resolution to approve 32 dwellings on the application site was sufficient grounds to allow this development.

With regard to the flood risk issue, further consultation with NRW initially indicated that the Flood Consequences Assessment (FCA) which was prepared in 2011, was out of date as NRW's flood maps have been updated since then. NRW therefore issued an objection pending the provision of an updated FCA. Since then additional flood risk information has been submitted to NRW by the applicants' consultants. NRW highlight that the original 2011 Flood Consequence Assessment was acceptable, and confirmed that the flood risk to the development could be managed by raising ground levels within the site boundary. The levels of the site have been subsequently raised. As a result of the further information submitted by the applicant and given the existing site conditions, NRW advise that provided levels are raised to the extent proposed in the original FCA then the development is likely to remain flood free. In light of this NRW withdraw their holding objection.

With regard to the design and layout of the scheme, a revised site layout has been submitted which has changed the following:

- * introduced low walls to sides of parking bays serving plots 11, 16, 17 and 35 to screen the parked cars.**
- * relocated side side screen walls to the garden area of plots 11, 16 and 17 and continued dwarf walls level with the front facades,**
- * relocated the terrace block consisting E/J/J to plots 24 – 26 in order to break up the length of parking bays previously indicated. Relocating these properties has allowed additional landscaping areas in be inserted.**

Additionally, the applicant has submitted a design statement which has been incorporated into the report. The recommendation of approval subject to the completion of the Section 106 Planning Obligation remains unchanged.

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

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.

Environment Agency – 2011

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 it's 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. 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.

Natural Resources Wales (9 Sept. 2015) - We would object to the above application pending the provision of an updated Flood Consequence Assessment (FCA). On receipt of this information we would be happy to review our position and provide further comments.

Flood Risk

The site is located within zone C2 as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be at risk of flooding during the 1% event. We note that the proposal is for a residential development which would be classed as a highly vulnerable development according to TAN15.

The TAN15 guidance is that highly vulnerable development should not be permitted within zone C2. However, as your Authority have consulted us on this application, it would appear that you are minded to go against TAN15 policy in this instance.

A Flood Consequences Assessment (FCA) has been prepared by Atkins (Ref. AK8618/495/60/DG/R04 and dated 2 May 2011), in support of this application. We have previously commented on this FCA, but it appears that no new information with regards to flood risk has been submitted.

We advise your Authority that the FCA is out of date as our flood maps have been updated since its production in 2011. As a result our understanding of flood risk at this location has now changed. Our flood maps now show that the Phase 3 Development site is at risk of fluvial flooding during both the 1% and 0.1% flood events.

A revised FCA will need to demonstrate that the development complies with TAN15 not only with regards to the potential tidal inundation at the site, but also with regards to the fluvial flood risk. We would advise that this may prove challenging given that the proposed mitigation, outlined in the current FCA, is to raise the existing site levels by 1-2m in order to comply with TAN15 with regards to tidal flood risk and section A1.12 of TAN15 states that development must not increase flooding elsewhere

We would advise that the assessment of tidal flood risk at the development site is also updated. In addition we would also refer to the letter from Welsh Government to the Chief Planning Officers in January 2014 which states that climate change should be now considered during the 0.1% scenario.

Further comments 6th Oct. 2015 – We received supporting information from the applicant on Monday 28th September. As agreed we have progressed our advice as quickly as possible to assist you report to Committee.

As you will be aware at the time of the original application the applicant provided a Flood Consequence Assessment which was acceptable to us. This assessment confirmed flood risk to the development could be managed by raising ground levels within the site boundary.

The levels of the site have been subsequently raised.

As a result of the further information from the applicant and given the existing site conditions, we would advise that provided that levels are raised to the extent proposed in the original FCA the development is likely to remain flood free. In light of this we withdraw our holding objection.

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.

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.

APPLICANTS DESIGN STATEMENT

LeTrucco design have been commissioned by Hygrove Homes to undertake a redesign of the approved layout in phase 3 – Pontarddulais.

The scheme was awarded planning permission in 2011 subject to a section 106 agreement, with the original layout being prepared by Boyes Rees Architect indicating 32 units, with a mixture of 2 and 3 bed units. The approved layout being based on a 2 sided development, with an arrangement of units either facing the main road or turned 90 degrees with the gable ends facing the road. The latter being a matter of necessity to comply with overlooking issues from phase 2 and observing a 12m privacy distance.

A new separate access being created off the new access road serving the Tesco store opposite due to Highways 2 being allowed.

A S185 sewer diversion transverses part the site, effectively cutting the site into 2 section from North to South. The sewer being taken from phase 2 and into the existing culvert on the Southern side of the site. The diversion requires a 7m overall easement.

LeTrucco design's commission is to increase the unit numbers by 3, in order to make the site viable following extensive ground works, necessary in order to raise levels.

The site boundary has changed from the approved layout due to the varying radius and layout of the roundabout as built. The western boundary has therefore required re-aligning. The result of which as affected the layout of the Western portion of the site.

The remainder of the site has in essence remained fundamentally as the approved 2011 layout. This is mostly due to the constraints on the site, in the form of:

- Re-aligned Western Boundary;
- Overlooking distances from phase 2;
- Re-aligned sewer diversion;
- Single point access governed by Highways;
- Predetermined position of pedestrian links from phase 2.

The additional 3 units have been incorporated within plots 13, 14 & 19 whilst still respecting the 12m privacy distances from phase 2, which have essentially proved one of the main constraints in the design, due to the plots of phase 2 being constructed so close to their rear boundaries.

Plots 1 – 8 are positioned fronting the access road and parking court whilst respecting the drainage easement. The plots are oriented internally within the site, so as to offer a sense of community and involvement. It also offers natural surveillance over car parking areas, main access into the site and the pedestrian link from phase 2.

The existing footpath link from phase 2 has been incorporated within the design and follows the link directly from the public foot path within phase 2. The footpath offers a 1.8m wide footway and safe and well surveyed footpath link throughout. On entering the boundary of phase 3 (adjacent plot 8), direct views are provided across the entire parking court, which in turn are well surveyed from the various plots facing in inward layout of the court.

The use of additional 2 bed units, which require only 1 parking space, have allowed a vast amount of landscaping areas to be sporadically placed fronting plots 20 – 35, with the introduction of a continuous 1m wide landscaping strip between the plots and the parking bays. This will offer a soft relief along this horizontal plane. Re-designing of the pots have also allowed the introduction of side parking, thus again reducing the impact of parking dominance.

The 2m wide landscaping strip that followed the line of the roundabout and access road has been omitted on the approval from planning officers. The removal of the strip has eliminated future issues, such as maintenance, litter picking, vandalism and theft, which are all issues constantly faced by SCC Highways division.

Whilst plots 11, 16 & 17 face the main road via their gable end, this provides a variation and diversity in the overall street scene, by offering varying facades. The gable ends will be furnished with feature bay and brick quoin details to enhance their facades. Boundary wall enclosing the rear gardens of such properties will be softened by the introduction of soft landscaping strips between the footway and boundary wall, all of which are lined through with the main façade of the dwellings to provide a good strong build line along the duration of the street scene.

A mix of various and well balanced tree types have been introduced throughout the layout, offering vertical relief to the overall street scene, whilst respecting natural surveillance and sight lines.

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.

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 (Golwg y Llanw). The FCA indicates that the original 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.

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. This scheme, however, did 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 merits of this scheme are assessed below before consideration is given to the further amendments submitted on 30th September 2015 in an attempt to address the reasons for deferral expressed at Committee on 8th September 2015.

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.

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 scheme again presents blank rear boundary walls 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 not ideal 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 was 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 created 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 due to the constraint imposed by the 7m wide sewer easement, which results in an indirect pedestrian access from Golwg y Llanw.

The further revised layout received 30 September, 2015 has attempted to address the design and layout concerns of the Committee by the introduction of low walls to the sides of parking bays serving plots 11, 16, 17 and 35 to screen the parked cars, relocation of the side screen walls to the garden area of plots 11, 16 and 17 to allow for additional landscaping, and the relocation of the terrace block to plots 24 – 26 by substituting house types on plots 20 – 23 & 27 / 28 in order to break up the length of parking bays previously indicated with additional landscaping. The amendments detailed above have attempted to address several of those concerns in the context of the now adopted Residential Design Guide and are considered to be acceptable.

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)

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 1st 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. The proposed earthworks will compensate for the flood storage lost by raising parts of the site. The EA recommended 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. 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. 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) - amended plans received 26 February, 2015);

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.
- 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.
- 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.

- 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.

- 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.
- 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;
- 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