

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

**Planning Committee - 12 January 2016**

**Planning Application Ref: 2008/0912**

**Construction of 67 dwellings with associated access, roads, parking, open space and demolition of existing buildings.**

**Former Walters Yard, Pontlliw, Swansea**

### **1.0 Background**

- 1.1 This application was reported to Planning Committee on 13<sup>th</sup> October 2015 with the recommendation that planning permission be approved subject to conditions and subject to the applicant entering into a S106 planning obligation. A copy of the report to Planning Committee is attached as Appendix A.
- 1.2 Following initial searches by the Council's Legal Services, it has come to light that part of the application site, which includes the access from Swansea Road to the main body of the application site, is owned by the Council and is covered by a 125 year Lease to Seetall Furniture. As Seetall Furniture have a Lease of more than 7 years they are an "owner" under the Town and Country Planning (Development Management Procedure) Wales Order 2012 and should have had notice served on them under Article 10 of the Order to formally notify them of the planning application. It should be noted that the correct notice had been served on the Council as the freeholder of this land.

### **2.0 Main Issues**

- 2.1 The purpose of the notice is to make the owner aware of the applicant's intentions for the land. Members may recall that Seetall Furniture made several written representations objecting to the planning application and addressed the Planning Committee at the meeting. Seetall Furniture are therefore fully aware of the planning application and the applicant's intentions to develop the land.
- 2.2 In order to rectify this oversight, the applicant has confirmed that they have served the correct notice on Seetall Furniture as required by the above legislation. To date no further response has been received from Seetall Furniture. Following the advice of the Council's Legal Services, it is not considered that this procedural oversight would prejudice in any way the planning merits of the development that are set out in the report to the Planning Committee nor would this oversight prejudice the decision of the Planning Committee to resolve to approve the development.

### **3.0 Recommendation**

- 3.1 It is recommended that:
- 3.2 Legal Services be notified that the correct notice has now been served on Seetall Furniture and that the Section 106 agreement can now be progressed in accordance with the recommendation to approve the development.

## **BACKGROUND PAPERS**

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

The following documents were used in the preparation of this report:  
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

<b>Contact Officer:</b>	<i>Ian Davies</i>	<b>Extension No:</b>	<i>5714</i>
<b>Date of</b>	<i>16<sup>th</sup> December</i>	<b>Document</b>	
<b>Production:</b>	<i>2015</i>	<b>Name:</b>	<i>Former Walters Yard, Pontlliw</i>

ITEM

APPLICATION NO.

2008/0912

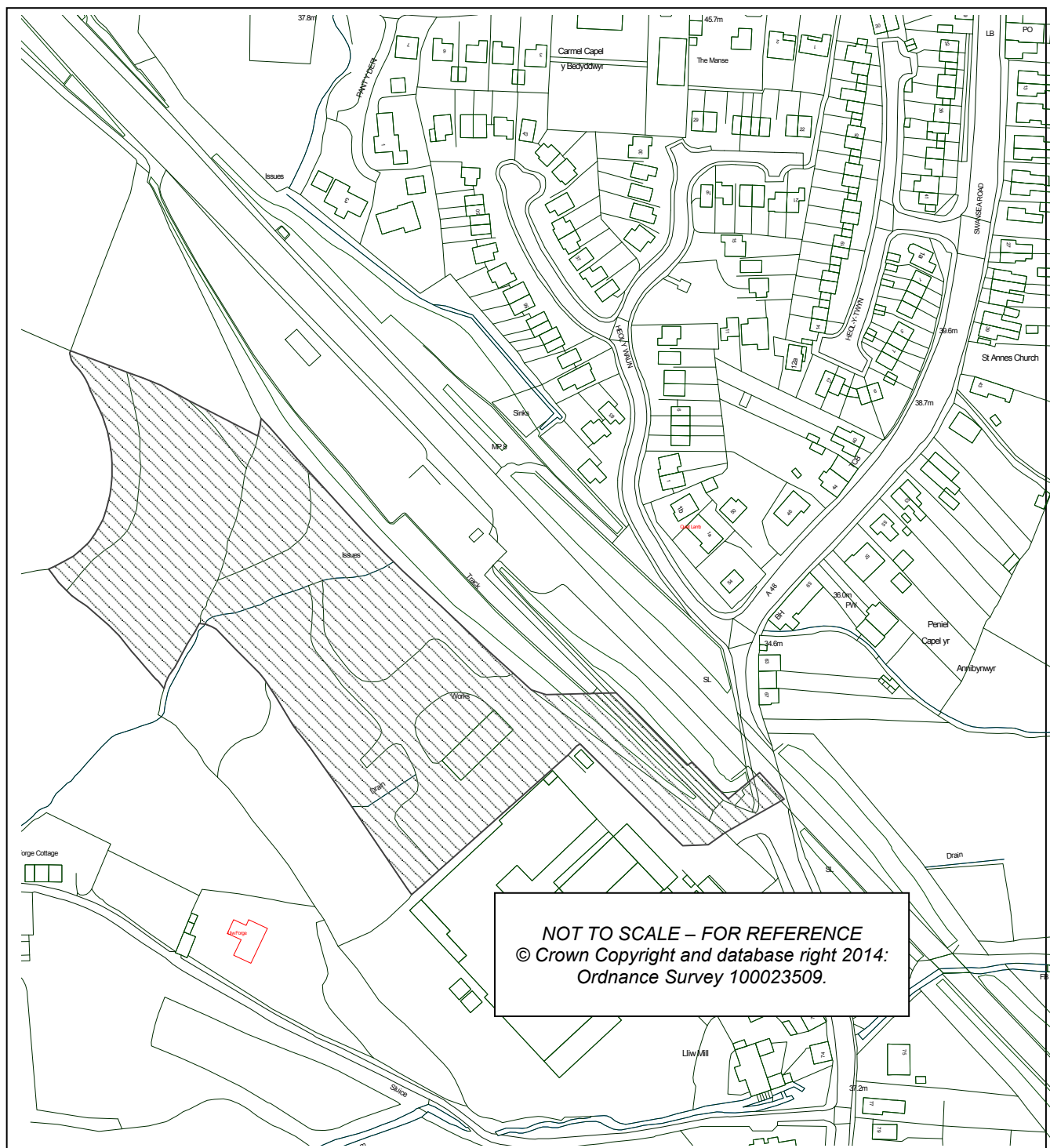
WARD:

Llangyfelach

**Location:** Former Walters Yard, Pontlliw, Swansea

**Proposal:** Construction of 67 dwellings with associated access, roads, parking, open space and demolition of existing buildings.

**Applicant:** Mr Hywel Walters



## **BACKGROUND INFORMATION**

### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 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)
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 EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
LV/80/0437/11	WORKSHOPS, OFFICE, STORED AND YARD Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 23/09/1980
LV/84/0186/11	CHANGE OF USE TO STORAGE OF SKIPS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 15/05/1984
LV/90/0012/03	GENERAL PURPOSE STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 22/03/1990

2013/1005      Diversion of overhead line (consultation from Western Power in accordance with Section 37 of the Electricity Act 1989)  
Decision: No Objection  
Decision Date: 22/08/2013

## **RESPONSE TO CONSULTATIONS**

### **First Consultation**

The application was advertised on site and in the press. A number of neighbouring and nearby properties were also consulted. SIXTEEN LETTERS OF OBJECTION (including a letter from Pontlliw and Tircoed Community Council) were received which may be summarised as follows:

1. The roads are busy and can get gridlocked.
2. It is not fair for existing residents who have to cope from the noise pollution from extra traffic.
3. Can the sewers and drains cope with the development? There was a flood in 2006 when the drains in the entire village were blocked.
4. The site is on a floodplain. It is on a lower level, this is bound to cause flooding. More concrete adds to flooding problems.
5. Concerns regarding the impacts on wildlife and the tranquillity of the village. 88 Dwellings is far too many.
6. The school has been extended to accommodate Y Llanerch and is nearly full again.
7. The village can only cope with small infill developments.
8. Concerns regarding visibility at the site entrance.
9. Residential and commercial traffic would mix resulting in delays and frustration. If Seetall decided to close it would result in a loss of a significant source of employment.
10. The development would be isolated from the rest of the village forming a colony that would intrude into the countryside.
11. Concerns regarding capacity at Pontlliw Primary.
12. Concerns the site is inconsistent with the draft UDP. The site is not an identified housing site.
13. The development site extends into the countryside and is an unwarranted intrusion into the countryside.
14. The application recognises a development of this scale will have an impact on infrastructure in terms of roads, sewers, drainage, school and park facilities yet it fails to adequately deal with how it would assist in alleviating that impact.
15. Concerns regarding the potential impacts on the neighbouring factory in terms of flooding, leaching of harmful substances, Japanese knotweed, vehicular conflict at the access, conflict between residential and industrial/commercial uses.
16. The site was withdrawn from consideration in the UDP there are no changes in circumstance that would now support the development.

Other consultation responses are summarised below:

#### Health and Safety Executive (HSE) 1.05.08

Does not advise on safety grounds against the granting of planning permission in this case.

#### Planning Ecologist 15.05.08

Please request an extended phase 1 ecological survey.

#### Environment Agency (EA) 28.05.08

The proposed site lies partly within zone C2 and partly within zone B, as defined by the development advice maps (dam) referred to under TAN 15, Development and Flood Risk (July 2004). We also understand that the factory site at Oaks End Industrial Park is liable to flooding. As a result they have had to raise the slab level of the buildings in order to remain operational.

Residential development is regarded as 'highly vulnerable' and should not be permitted within zone C2.

A Flooding Consequences Assessment (FCA) has been submitted but is out of date.

**Due to the requirement for a revised FCA and Hydraulic model, we would ask that determination of the application be deferred.**

Given the historic use of the site and the potential for contamination to be present a geotechnical report has been provided. We would strongly recommend this report is updated. **Ideally an updated report should be submitted prior to determination.**

We would request a development free buffer of at least 4m wide is maintained along either bank to facilitate access for maintenance and to provide some protection to habitats and wildlife that may be present along the river corridor.

**We would again request that determination of the application be deferred. If however your Authority are unable to defer consideration or the requested FCA is not forthcoming this constitutes a reason for refusal under TAN 15.**

#### Environment Officer 10.06.08

Recommends standard condition is included for a scheme for the eradication of Japanese knotweed.

#### Planning Ecologist 3.06.08

The ecological report has within it a series of recommendations and suggestions for mitigation measures. These should be followed during the development. It seems very unlikely that there are any bats in any of the buildings. Would it be possible to retain the boundary hedge and trees? These are the habitats of most value on the site.

#### Pollution Control Division 20.06.08

Having looked at what's been submitted we're not inclined to disagree with their opinion on road traffic noise from the M4, despite their reliance on only 3 hours of data which doesn't necessarily give the strongest basis for such a conclusion.

However, this was never our principal concern which, as you know, is the potential noise issue arising from the adjacent scrap yard which I believe is still in operation. Even if operations should cease here, while the site still has permission for such operations then the potential problem will remain, as will our objection to residential development on this site.

#### Urban Design Comments 10.07.08

As the scheme stands I would recommend refusal on design grounds on the basis that the scheme is overdevelopment in this village context and does not work as a place in its own regard, contrary to policies EV1 – Design, EV2- Siting, EV4 – Public Realm, EV17 – Large Villages of the UDP, plus TAN12: Design and the Model Design Guide for Wales.

### Highways Comments 3.07.08

There are some issues that have arisen that require amendments prior to highways support being given.

The principle of the access point is acceptable and the Transport Assessment indicates that the traffic generated by the proposal can be accommodated safely on the highway network. Parking provision appears to be acceptable too. However, the layout of the internal road gives cause for concern and the status of the extensive parking areas.

### Urban Design Comments (following amended layout) 17.11.08

Whilst the concept is welcomed and the revised scheme is a significant improvement on the original submission, it is still too tight as demonstrated by the amenity issues.

### Countryside Council for Wales (CCW) (29.03.10)

CCW objects to the proposal, because there is not enough information to assess possible effects on interests in the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Bury Inlet Special Protection Area (SPA) and Bury Inlet Ramsar.

We would look to the applicants to supply a bat survey of the buildings.

We note the Hawkswood report recommends that otter surveys are carried out. We would support this recommendation.

There are some habitats identified on the site which are listed in the Swansea Local Biodiversity Action Plan. We would refer you to your authority's ecologist for advice on protecting and enhancing these important LBAP habitats.

We can give further views when provided with the information requested above. In the meantime, CCW objects to the proposals.

### Housing Department 27.04.15

There is a demand for affordable housing in the area and the Housing Service would be seeking a 30% provision of affordable housing on the development site, subject to standard negotiation. It is envisaged that the Affordable Housing units would meet DQR and be a mixture of family size accommodation (2/3/4 bed houses) & affordable tenure, and ideally pepper-potted throughout the development.

### Environment Agency 11.04.11

We note your query as to whether there is still a need for a revised Flood Consequences Assessment (FCA) and hydraulic model to be provided given that the site is now shown on the Council's flooding constraints map to be outside of the flow model.

Our original modelling of the River Lliw, which we used to formulate our response in May 2008, was a catchment wide model and did not include any in-river structures. In November 2009, we re-modelled the River Lliw in more detail.

The old Mill Leat runs closer to the application site but was not included in this revised model. Additionally, our flood maps do not take into account climate change allowance or blockages of in-river structures.



Furthermore, an ordinary watercourse runs through the centre of this site, which our flood maps does not take into account. There may also be culverts located both within the site and/or in close proximity to it that our flood maps don't consider.

We would therefore advise that the above points would need to be considered as part of a full FCA.

#### Planning Ecologist 9.06.11

The bat surveyor found no evidence of bats using the site, a bat and bird informative will be sufficient.

The otter survey found evidence of otters using the small watercourse on the site. Otters are protected under the Wildlife and Countryside Act and the Habitats Regulations, I think that a WAG licence may be required. The best way to resolve this is to consult with CCW.

#### EA 20.06.11

We are pleased to note that an FCA will be carried out. This should consider all potential sources of flooding to the site (e.g. the stream running through the site and culverts) as well as the potential impact the development may have in terms of flood risk on existing property/land in the vicinity of the site, as required by TAN15.

#### CCW 15.07.11

We welcome the submission of the submitted bat and otter surveys.

We note the conclusions of the report on the buildings surveyed and consider that the proposed development will not result in any detriment to the favourable Conservation Status of bats in their natural range. Based on the level of use by bats observed at the site the CCW are of the opinion that a licence from Welsh Government will not be required.

The recommendations in the report are appropriate and should be conditioned as part of any permission your Authority may issue.

We note the otter report found no signs of breeding or resting places and as such consider that the development will not result in any detriment to the Favourable Conservation Status of otter in their natural range. The CCW are of the opinion that a licence from Welsh Government will not be required. The recommendations in section 8 of the report are appropriate and should be conditioned as part of any permission your authority may issue.

#### EA 8.10.12

Our stance remains the same on this application; therefore, if a FCA is not submitted or any subsequent FCA fails to show that the consequences of flooding can be acceptably managed over the lifetime of the development, then the application should be refused.

### **Second Consultation**

Following the submission of amended plans indicating 65 dwellings the application was advertised on site and 21 properties were consulted. NINE LETTERS OF OBJECTION (including a letter from Pontlliw and Tircoed Community Council) AND ONE LETTER OF COMMENT have been received which are summarised below (note that those points raised in the first consultation have not been repeated):

1. Would it be possible to have the culvert adjacent to Forge Cottages enlarged as part of this planning application?
2. The development of the site would increase runoff, remove part of the flood plain and add to existing flooding problems.
3. Concerns regarding the contents of the submitted FCA.
4. A development of this scale would have an adverse environmental impact on the local community and its residents.
5. The development in the countryside would create pressure for further releases which could result in the loss of the rural character of Pontlliw.
6. There are more suitable alternative sites.
7. Concerns regarding the loss of habitat for wildlife.
8. Concerns regarding contamination from the adjacent scrap yard.
9. Developments within Pontlliw and the surrounding area are straining both the environment and infrastructure.
10. Concerns regarding the contents of the submitted Transport Statement.
11. Concerns regarding the inadequacy and unsuitability of the access to the Walters Yard site to cope with the type and volume of traffic that exists and would be generated by the proposal.
12. Concerns regarding the elderly and children being able to pass the site and conflict between proposed residents and the traffic generated by the proposal.
13. Concerns regarding dangers to road safety by vehicles tailing back on Swansea Road.
14. Concerns regarding wider traffic impacts arising from the development in relation to the M4 slip road and other access roads onto the roundabout at Junction 47.
15. Concerns the increase in the number of residents would have a detrimental effect on Pontlliw's viability as a 'natural Welsh community'.
16. Additional youngsters could lead to anti-social behaviour.
17. The removal of the railway embankment would open up the industrial park to the detriment of the existing housing.
18. The proposal would have a devastating effect on the character and ethos of the community. This development would pose a significant threat and harm to the way of life of the village due to a large influx of new residents.
19. Concerns Pontlliw has limited local facilities, the development should be low priority for housing as the nearest district centre is 3km away.
20. Concerns regarding the capacity of the local school to cope with the development.
21. Concerns the development would increase parking problems and congestion at the school.
22. Concerns the development would create demand for new facilities such as takeaways that would not be welcomed by local residents.
23. The potential for blockages to the culvert running through the site increase the risk of localised flooding.
24. There is a right of way through the site and steps should be taken to make sure it is preserved.
25. Concerns that the development should provide adequate parking for the residents of the development.
26. In the event planning permission is granted the layout should ensure that the proposal is for rounding off with no ability for future development through the site and into the countryside.
27. If the site is developed the Community Council would ask that consideration is given to requiring the developer to make a contribution to the improvement of the amenities in the area. A possible area for improvement would be Pontlliw Park.
28. Concerns the proposed increase in the slab levels of the dwellings may increase surface water runoff and flooding into the neighbouring adjacent factory premises.
29. Comment from Edwina Hart AM that due consideration should be given to the comments and queries of Seetall Ltd.

## Education 20.11.12

The development will generate, in accordance with the agreed Supplementary Planning Guidance (SPG) policy, the following pupils with the associated cost:

Primary: 20.15 (£208,996)

Secondary: 14.3 (£226,626)

### Primary

The development will generate 20.15 primary pupils. This will impact on Pontlliw Primary school (the natural catchment) as the school has currently very little capacity (10 places in September 2012) and pupil numbers for September 2018 is estimated to be 17 places.

Pontlliw Primary school is on a very restricted site (1.4 acres) with little scope for expansion. This development, together with the cumulative affect of other small developments in the area will push the school beyond its physical capability; there is already pressure on core facilities and additional pupils will exacerbate this.

There is also little capacity at the Welsh Medium Primary school of YGG Bryniago, currently 34 but in September 2018 the estimated figure will be that of **over capacity by 32**. In this instance, we would therefore request a developer's contribution for this school at this time and not for Pontlliw Primary School itself.

### Secondary

This development will create a requirement for 14.3 secondary places in Pontarddulais Comprehensive. This school currently (September 2012) has only 2 surplus capacity places, which is expected to rise to 70 places in September 2018 but this surplus has been allocated to another approved development and therefore cannot be credited in this case. The cost for creating the required number of additional places is £226,626.

### Conclusion

Any extra housing within this catchment area of Pontlliw will result in additional demand for places.

In summary, therefore, the request is for Developer's contributions of £208,996 towards enhanced facilities at Y.G.G Bryniago and also £226,626 for enhanced facilities at Pontarddulais Comprehensive; both amounts being indexed – linked

## Drainage and Coastal Management 26.11.12

The FCA discusses the management and disposal of surface water drainage and indicates separate solutions for the road runoff and the private plots. The engineer drawings indicate the likely layout of the drainage for the site however no calculations have been submitted to demonstrate the performance of the system during the 1 in 100 year critical storm including 30% allowance for climate change.

We would also expect to see the run-off rates for the existing hard standing and greenfield areas on site in line with the principles established at the site meeting.

The contributing areas for the two discharge points should be established and the runoff rates pro-ratad accordingly based on the positively drained contributing areas.

In regards to the management of surface water from the private plots the drawings indicate that porous fill will be used to create storage volumes, the principle of which are acceptable. The drawing also seems to indicate that there will be an overflow from the system. The drawings must show where the water will be going and at what rate, if it is proposed to discharge to the watercourse via the attenuation systems the discharge rate will need to be carefully controlled to avoid increasing runoff volumes from the greenfield portions of the site.

We have only considered the site from a surface water management perspective, we are expecting EAW to comment on the fluvial flood risk aspects assessed within the FCA.

#### EA 27.11.12

As raised in previous responses, we have requested deferral of the application pending the submission of an appropriate FCA which can demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development.

The FCA dated October 2012 does not sufficiently demonstrate that the proposed site complies with TAN 15.

We would continue to request deferral of the application pending the submission of an appropriate FCA.

#### Pollution Control Comments 19.12.12

The areas of concern were as follows:

1. Griffin Stringer Scrap Yard – This business is eligible for T9 – Recovery of scrap metal Exemption. The exemption enables the site to treat scrap metal by sorting, grading, shearing by manual feed, baling, crushing or cutting it with hand-held equipment to make it easier to handle and to help with its recovery. This exemption allows the site to store or treat up to 1,000 tonnes at any one time.

The exemption, unlike an environmental permit, would not contain conditions relating to noise or hours of operation. At present there are no times or operating restrictions on the current business.

The operations listed above are inherently noisy and have the potential to generate complaint from the residents of the proposed residential development.

However, since the application first came to the attention of the Division in 2011 there have been no complaints from the existing housing development in Heol Y Waun as regards the Griffin Stringer Scrap Yard. There is doubt as to whether the business is in operation.

Following discussions with the applicant and his consultants the amended development plan does take into consideration the views of the Division by using the preferred method of mitigation which is through design and layout. There is a landscaped area between the development and the Scrap yard and the buildings have been positioned so as to minimise any noise disturbance.

Given this information it would be unreasonable to object to the proposed housing development.

2. Commercial Freight Line – Noise measurements were taken during a train by-pass and although the level of noise generated would not constitute a statutory nuisance there was a concern that if, according to a senior Route Manager of Network Rail there was an increase in the number of freight trains then there would be potential for complaints.

This Department have not received complaints about freight train noise or of any increase in freight movements since the application first came to the attention of the Department in 2011.

The amended plans have used design and layout to mitigate this potential problem by using landscaping and positioning of the proposed houses away from the freight line bridge over the A48 Swansea Road.

Given this information it would be unreasonable to object to the proposed housing development.

3. Seetall Furniture Ltd – This is a light industrial and manufacturing business. This premises currently accepts and delivers from 06.00hrs until 18.00hrs six days per week, although there are no formal time restrictions on the operating hours.

The noises associated with this business include noise from transfer processes i.e. vehicle movement of HGVs and fork lift trucks, including the use of reversing alarms; unloading and loading of materials; washing, cleaning and maintenance operations; and use of on-site compressors and generators.

The applicant has used the amended layout of the buildings to reduce the effects of noise disturbance on those residents closest to the business. This Department have not received noise complaints about this light industrial and manufacturing business.

Given this information it would be unreasonable to object to the proposed housing development.

#### Parks Department 14.01.13

With regard to the above mentioned Planning Application, having looked at the attached site plans of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration by the Parks Service which are as follows:

- A commuted sum will be required from the developer for any future maintenance of POS carried out by The Parks Service.
- The provision of an appropriate planting schedule which will list the proposed species of trees and shrubs to be planted prior to approval where we can determine any maintenance or safety implications involved, although I do appreciate, that as this is an outline planning application we would not require a full planting scheme at this stage.
- Areas of POS to be in an acceptable and maintainable condition prior to adoption for future maintenance and to be accepted only upon whole completion of the development and not in phasing.
- Provision of a copy of an up to date Tree Survey of existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance.

- Protection of watercourse required – either by fencing or by piping/culvert, extending the existing culvert area by approx. 200 metres. Further comments required from CCS Drainage engineers.
- Future maintenance liability and responsibilities required for an open watercourse which would be subject to regular maintenance i.e. removal of leaves/debris falling from surrounding trees/shrubs.
- Confirmation required for the future maintenance liability and responsibilities of any boundary walls and fences adjoining POS.
- As a result of this new development we envisage additional use on an existing play facility at neighbouring Pontlliw Park, I therefore propose we seek to enter into a planning obligation to secure an offer of a financial contribution from the developer for the upgrading of the play surfacing at this facility. In line with the SPG, Parks would be looking for a financial contribution in the region of £31,774.06 (2010 costs plus inflation) for the provision of a tarmac base with appropriate safety surfacing.
- The Parks Service would not be in a position to adopt the POS if the roads were to remain in private ownership and only upon adoption by the highway authority.

#### EAW 25.01.13

It is our understanding that the combined sewage infrastructure which serves the location of the proposed development is hydraulically overloaded. This has manifested itself in the number of spills from a downstream combined sewer overflow (CSO) at Bach Y Gwereddyn Farm. This CSO has an indirect impact on the designated shellfish waters and should not spill on more than 10 occasions per annum, averaged over a 10 year period.

In the light of this information EAW has grave concerns in allowing further connections and input to this hydraulically overloaded system. The EC are currently scrutinising the local situation with a view to a possible infraction in relation to the Urban Waste Water Treatment Directive. Hence any further deterioration must be avoided. The spills from the Bach Y Gwereddyn Farm CSO discharge into the River Lliw which then enters the Burry Inlet. The Burry Inlet, in addition to the shellfish waters designation also constitutes part of the Camarthen Bay Estuaries European Marine Site, which is a sensitive receptor.

Dwr Cymru/Welsh Water (DCWW) is aware of the capacity issues on this part of the Swansea network and has provisionally programmed works to remedy the problem in AMP 7 (2020 – 2025). This would mean that the issue would not be addressed before 2020. We would therefore recommend that the development be allowed to go forward under a Grampian condition:

‘No development shall take place until the DCWW works to upgrade the relevant local sewerage infrastructure provisionally programmed for AMP 7 (2020-2025) have been completed and adequate capacity made available. If however the aforementioned works are satisfactorily completed prior to these dates then the development can commence at that earlier time’.

If the developer is not able to wait until these works have been duly completed then they may propose works which will free up adequate capacity in the system to avoid any detriment from their connection. This could take the form of their removal of existing surface water which currently enters the system in the vicinity of the development.

Alternatively they may enter into a legal agreement with DCWW to undertake relevant works on their behalf that will free up local capacity on a suitable timescale.

It should be noted that the volumes of clean surface water will need to be in excess of the volumes of foul which the development will generate in order to prevent the load increasing (concentration of pollutants in the system will increase, so the spills need to decrease to compensate). The actual volumes of surface water removal may be constrained by other factors and will require final agreement on their appropriateness from DCWW upon submission to the local planning authority.

If however, the developer feels unable to wait for DCWW's programmed works and is unwilling / unable to enter into agreement with DCWW to undertake works to free up capacity in the short term, then we would object to the application and recommend your authority refuse the application.

#### CCW 1.02.13

CCW has no objection in principle to the proposal.

#### **Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Burry Inlet Ramsar site**

We refer to the following document:

'Habitats Regulations Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site (Final Report David Tyldesley and Associates, 17 April 2012)'.

We have previously confirmed that we are content with the approach that you will be using this report as the Habitats Regulations Assessment for all planning applications in Swansea that fall within the drainage catchment area for the Burry Inlet and Loughor Estuary (unless there are other ecological concerns that fall outside the water quality issues covered by this final report). This enables you to complete the assessment (TLSE) under the Conservation of Habitats & Species Regulations 2010 for this development.

#### Site drainage/hydraulic capacity

We understand that you are discussing this application with EAW and DCWW, and we would refer you to the advice of EAW and DCWW on hydraulic capacity and the planning conditions/ surface water removal requirements for this application. We would also refer you to the EAW and DCWW for advice regarding the separation of surface water drainage from the site and any attenuation requirements. While it has been demonstrated that this is no longer an HRA issue, it is in the interests of all stakeholders around the Burry Inlet to work towards improving the water quality, not only to help secure the long term objectives for the European and international nature conservation sites, but also to achieve compliance with the Water Framework, Urban Waste Water, Shellfish and Bathing Waters Directives. Therefore, we recommend that the schemes should be provided to the satisfaction of the EAW and DCWW prior to determination.

#### EAW 7.03.13

**An FCA has been prepared by Mr Chris Dartnell, Land Drainage and Flood Defence Consultant and is dated 13<sup>th</sup> February 2013.**

***Note – detailed comments on the FCA are contained within the EAW response.***

**We would again ask that determination of the application be deferred until all our concerns raised and within previous letters have been fully addressed.**

Natural Resources Wales (NRW) 18.04.13

Further to our response of 7 March 2013, we have received correspondence from the Land Drainage and Flood Defence Consultant, Mr Chris Dartnell (dated 28 March 2013).

Based on the content of this letter, we can confirm that we are now satisfied with the information submitted regarding the ordinary watercourse that runs through the proposed site, providing the post development dimensions are adhered to.

With regards to the comments from Mr Dartnell concerning the new flow calculations, we accept his observations and are satisfied that in this instance the flows used are acceptable. However, as the impact of the latest 0.1% flows has not been considered, we cannot confirm that there will be no increased flood risk elsewhere.

With regard to surface water management on site, we note that on-site underground attenuation storage has been proposed. This is to have capacity for the 100yr storm including an allowance for climate change. We would prefer to see overground storage used as underground storage can result in future/long term maintenance issues. The applicant should also be encouraged to investigate other sustainable drainage systems (SUDS), which could be implemented as part of the development for example grassed swales, attenuation pond, grey-water recycling, permeable paving etc.

It is also not clear whether the attenuation tank is intended to manage surface water run-off during construction. Experience has shown that pollution of surface water drains and attenuation tanks with sediments during the construction phase of this type of development is common. These issues can be difficult and expensive to resolve and again, an above ground system would be preferable to manage surface water during construction.

However, if your Authority is satisfied that underground storage is appropriate then an agreement must be in place to ensure the long term maintenance of the surface water system.

No storage calculations etc have been provided to support the proposed attenuation system. However we accept that the detailed design of the storage tank (or any other attenuation system), is a matter for Welsh Water and your Authority's Drainage Engineers to advise on as the adopting authorities. Prior to determination your Authority should be satisfied that the surface water management scheme is adequately designed so as not increase flood risk elsewhere or result in pollution of controlled waters during construction.

If your Authority is minded to approve the application, then we would strongly recommend that a full surface water management plan is undertaken and submitted in writing for approval by your Authority. This must be agreed in writing prior to any development commencing on site.

Conditions are recommended (set out in the letter) in relation to: surface water drainage; a scheme to treat and remove suspended solids from surface water runoff during construction works; the provision of a construction method statement; and land contamination/remediation conditions.



Within our response of 28 May 2008, we also noted that the existing watercourse was to be enhanced and utilised as a focal space. We would again recommend that this is incorporated into the site design in its current form and the channel is not routed through the boundaries of properties to prevent any issues of riparian ownership arising. If planning permission is secured, we would ask that a development free buffer zone of at least 4 metres is maintained along either bank. This is to enable long term access for maintenance and also to provide some protection to habitats and wildlife that may be present along the river corridor.

Please note that any culverting of this ordinary watercourse will require the prior consent from the Lead Local Flood Authority (LLFA) which in this instance is Swansea Council. We have concerns with culverted watercourses due to the adverse ecological and flooding effects that are likely to arise. We also have concerns with culverted watercourses within the curtilage of domestic dwellings due to the burden of riparian ownership. In our experience, developers and private sellers do not always declare culverted watercourses and they are often not picked up on legal searches. This can result in future maintenance responsibilities coming as a surprise to owners, the financial implications of which are unlikely to be covered in standard insurance policies.

#### Rights of Way Officer 3.07.13

Are you are aware of the public right of way affecting this site and that if they are planning to divert (as the plan indicates) they will need to apply officially?

#### Dwr Cymru Welsh Water (DCWW) 26.07.13

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 DCWW assets.

A key fundamental issue associated with any proposed development located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. DCWW is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

Equally developers too can play a significant part in mitigation measures by incorporating sustainable drainage features within their proposals. It is essential therefore that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore we seek you Authority's co-operation in imposing the following condition to any grant of planning permission:

No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details.

Note: DCWW have also recommended other standard conditions and advisory notes.

The proposed development site is crossed by a 9" public surface water sewer and a 300mm storm overflow. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewerage assets.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

DCWW has no objection to the proposed development on water supply grounds.

#### Tree Officer Comments 30.04.13

I have a number of significant concerns regarding the accuracy of the submitted tree report. Many of the trees that I inspected were considerably larger than that stated within the report produced by Julian Wilkes of Treescene dated 13<sup>th</sup> November 2013. These inaccuracies have led to many trees above ground (Canopy spread) and below ground (Root protection area) to be shown incorrectly on the tree plan...

....Out of the trees I inspected many were inaccurately measured, some by a large margin. Further to this all inaccuracies were smaller than the measurements taken on site. Measuring stem diameter correctly is extremely important in determining the constraints the trees have to a development site. The stem diameter is used to calculate the root protection area (RPA) of a tree. The RPA of a tree is the area of rooting environment around a tree that needs to be protected to ensure the continued health of that tree. For example the stem diameter of T33 was recorded as a multi stemmed tree of 0.4 metres which would calculate to give a 4.8 metre RPA radius. T33 was a single stemmed tree that measured as having a 0.65 metres stem diameter which would calculate to give a 7.8 metre RPA radius. These methods are clearly detailed within the *British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations*.

Due to my significant concerns regarding inaccuracies within this tree survey a full tree survey including a clear and accurate scaled tree constraints plan, Arboricultural Impact Assessment and Tree Protection Plan/Method to *British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations* must be submitted. Please ensure that all trees individually surveyed are tagged with tree identification tags.

#### **Following the submission of further tree information by the applicant:**

#### Tree Officer comments 28/05/2013

This information still does not meet the BS5837:2012 standard. As previously requested a clear and accurate scaled tree constraints plan, Arboricultural Impact Assessment and Tree Protection Plan/Method to *British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations* are required. Also if possible please can the applicant ensure that all trees that are individually surveyed are tagged with tree identification tags. Comments also made on individual trees.

#### **Third Consultation**

Following the submission of amended plans indicating 67 dwellings the application was advertised on site and 28 properties were consulted. SIX LETTERS OF OBJECTION (including a letter from Pontlliw and Tircoed Community Council) AND ONE LETTER OF COMMENT have been received which are summarised below (note that those points raised in the first and second consultations have not been repeated):

1. Concerns that the development would result in additional congestion at the roundabout at Penlleger between 7.30am and 9:00am. Other housing developments who have conducted traffic surveys at Penlleger roundabout have stated that it is 'operating at capacity'.
2. Concerns that the contents and conclusions of the Traffic Survey do not accurately reflect traffic movements in the area throughout the day.
3. Concerns Hospital facilities cannot cope with the numbers in the area and there is a lack of GPs.
4. Concerns schools in the wider area are at capacity.
5. The position of the foul pumping station so close to the adjacent land is not acceptable and will place unwanted restriction on this parcel of land.
6. A 5m maintenance corridor for the watercourse cannot be delivered as part of the corridor would not be within the ownership of the applicant.
7. A full bat survey of the existing buildings should be carried out and mitigation measures will have to be proposed for their relocation.
8. In relation to contamination no bore holes were taken in the embankment which runs most of the length of the site. There is a concern this is a deliberate omission as this area may contain batteries, oil drums etc from when the site was used as a scrap yard.

#### Urban Design Comments 5.01.15

The revised plan (ref 1526/100 rev B) addresses all my concerns from email of 18<sup>th</sup> November plus the house type revisions are acceptable too.

#### Drainage and Coastal Management 3.3.15

We have reviewed the amended plans and while we have no concerns with the drainage plans, we are concerned with respect to the Planning Layout. It illustrates that trees are to be planted over the attenuation and adjacent to the culvert, this should not occur as it will create a maintenance hazard due to root ingress over time. We recommend that the planting plan is altered so the area is grassed over only.

#### Drainage and Coastal Management 16.09.15

Having reviewed the information we can consider it satisfactory and does demonstrate that 1 in 1000 year flows from this watercourse/culvert are contained within channel through the site.

Please also be aware that any alterations to this watercourse as part of the development will require separate permission irrespective of any planning permission granted under section 23 of the Land Drainage Act 1991 (as amended).

#### Pollution Control Comments 12.03.15

I have no comments to make about the amendments

#### Planning Ecologist 20.03.15

You sent me a consultation for the amended plans for the Walters Yard development. Broadly I think they look fine, my only comment is that the intention was to maintain a functional wildlife corridor along the small watercourse that runs through the site the new plan shows that the watercourse has been culverted for a longer length than in the original plan. The stream should be kept open for as much as possible and should be planted up with semi natural vegetation on at least one side.

### Planning Ecologist 24.04.15

I've visited the Walter's Yard site. I don't think any of the trees marked to be felled have any features that are likely to be used by bats. At this point I don't think there is any need for further survey work. Some of the trees that are to be retained do have possible roost features as a precaution I think we should add a condition or informative requiring the developer to survey any tree for bat roosts that is to be felled if it has a suitable feature that could be used by bats.

### Planning Ecologist 1.07.15

The trees that have bat potential are covered by TPOs so if work was to be carried out on these we would get an application on which we could comment, so a bat informative would be sufficient.

### Planning Ecologist 7.07.15

The suggested culvert diameter of 1200mm is fine the length though is too long at 40m culverts suitable for otter use should be shorter than about 15m.

### NRW 17.04.15

We note that this current consultation relates purely to an amended site layout and the submission of the following reports.

- Letter dated 25 November 2014 - Ecology Inspection on 20 November 2014. Land at Walters Yard, Pontlliw, Swansea. Prepared by Barry Stewart & Associates Ecological Consultants.
- Remediation Strategy Report. Hywel Walters. Walters Yard, Pontlliw. Referenced 10857-3/MJE/14/RSR. Dated November 2014. Prepared by Integral Geotechnique.

Whilst our detailed comments on the above reports are provided below...please note that the comments and requested conditions provided by our legacy bodies are still applicable (i.e. EAW response dated 18 April 2013 and 2 September 2013 and CCW response dated 15 July 2011).

### Ecology

We welcome the submission of the aforementioned letter and note that this has been produced in discussion with your Planning Ecologist.

With regard to European Protected Species we note that the searches of targeted fauna specifically for Otter signs and roost sites for bats, proved negative. We therefore continue to refer your Authority to our legacy body's comments dated 15 July 2011. In addition, we note from the report that the trees around the boundary of the site have the potential to support bat roosts. As no indication has been provided that these trees will be felled as part of the proposed development we offer no objection to the proposal. However, as highlighted in the report further surveys would be required if works are to be carried out on the larger boundary trees.

We also note from the report that a number of invasive species were highlighted on site, including Japanese Knotweed. The developer should be mindful that if not treated properly, Japanese Knotweed will continue to grow and spread and can easily compromise the structural integrity of all hardstanding areas and built structures of the development.

We therefore advise the developer to produce a detailed method statement for the removal or the long-term management/control of invasive species on site.

## Land Contamination

As your Authority will be aware from previous correspondence from our legacy body, EAW, controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected due to its previous industrial uses. In addition, we note that the site has residual structures including basements therefore it is anticipated that further investigation is required to understand if these are areas of contamination that may pose a risk to controlled waters.

We are satisfied that there are remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that the risks are appropriately addressed prior to development commencing. We therefore consider that planning permission should only be granted subject to the inclusion of planning conditions (see letter for full details) to address this matter. Without these conditions, the proposed development would pose an unacceptable risk to the environment. Please note that we would need to see the information outlined in the recommended conditions before we can make comment on any remediation strategy.

### NRW 16.09.15

Thank you for forwarding the additional information in respect of the above development, which we received on 25 August 2015. We have reviewed the FCA addendum submitted by WYG, in which they have utilised Mannings calculations to estimate the capacity of both the culvert which runs underneath the railway and the downstream ordinary watercourse which runs through the proposed development site. We are satisfied that the flows are suitable for use and that the calculations indicate that the ordinary watercourse running across the site has capacity to carry both the 1% plus climate change and 0.1% flows. However, we also advise that the Local Authority Drainage Engineers are consulted with regards to this additional information as they are the responsible authority for the watercourse in question.

### DCWW 9.04.15

No issues raised over and above those highlighted in DCWW's letter of 26.07.13.

### Parks Department 14.01.15

Parks commented on this proposed development on the 14/1/2013 with a view to obtaining a £31,774.06 contribution.

### Tree Officer 27.04.15

I had a look at this site with the planning ecologist. I'm in agreement with most of the things picked up in the tree survey. The only things I disagree with are the felling of the small oak, T7, and the felling of the goat willow, G2, G3, G39 and G43. The oak is in reasonable condition and the goat willow is in good condition, it is in the nature of goat willow that it grows in a low multi-stemmed form. G39 forms part of the hedge at the south-west corner of the site and G39 and G43 will screen the site from the M4.

I note that some of the trees along the edge of TPO567:W001 are earmarked for felling, this will be ok as long as it is restricted to the small semi-mature trees which have encroached onto Walters Yard. The planning layout seems to differ from the tree survey in the details of what trees are to be removed and retained. This needs to be clarified.

An Arboricultural Method Statement needs to be submitted detailing how the trees will be protected during development, what the proposed building methods for any encroachment into the root protection area are and the extent of any tree works such as crownlifting.

#### Pollution Control Comments (Noise) 7.07.15

I have considered the information in the Appeal Decision David Wilson Homes vs Ryedale District Council 2012. The points made relate to a much larger general industrial estate with many different noise sources from different business with varying hours of operation. It is acknowledged that there will be periods when the light industrial and manufacturing business (Seetal Furniture Ltd) will be audible to future residents but I refer to my memo dated 19<sup>th</sup> December 2012 and still have the same views that it would be unreasonable to object to the proposed housing development. The layout of the proposed dwellings will assist in reducing the effects of noise disturbance on those residents closest to the business. In order to reduce these effects further the applicant should construct a close boarded 2.2m fence on the Eastern side of the development adjacent to the light industrial and manufacturing business.

#### Pollution Control Comments (Land Contamination) 15.07.15

The report IGG Remediation Strategy Report [10857-3/MJE/14/RSR] addresses all the issues of concern. The site itself doesn't appear to be grossly contaminated though there is some contamination that will require remediation.

I'm happy with the assessment process and with the proposed remediation strategy.

Section 5 of the report details the proposed Remediation Verification process and I'm happy with this as well.

The requirements for a Phase 1 report: Desk Top Study, Phase 2: Detailed Investigation and Phase 3: Remediation Strategy Options Appraisal, which would normally be the subject of a condition, have been met by the contents of the IGG Remediation Strategy Report [10857-3/MJE/14/RSR] already submitted.

However, conditioning the application is appropriate as follows on the premise that ALL the works specified in the above mentioned report are undertaken as detailed, including "the provision of suitable hydrocarbon vapour resistant gas membranes to all buildings pending the findings of the supplemental grid sampling" [IGG Remediation Strategy Report [10857-3/MJE/14/RSR] 2.7 para.5].

Please note that my comments do not extend to issues relevant to controlled waters which come under the jurisdiction of Natural Resources Wales.

#### Highways Observations

##### 1. Introduction

1.1 This application is for full consent for the construction of 67 dwellings with associated access and parking. The site has previously been used for transport, storage yard and haulage and hence had a certain level of HGV activity and traffic movements associated with it. The planning application was first submitted in 2008 and due to issues mainly regarding the Land allocation the application has been in abeyance since then. A number of amendments and redraws have been forthcoming and it is now considered by the applicant that the outstanding issues have been addressed with this current layout.

- 1.2 In order to assess the impact of the development on the adjacent Highway Network, a Transport Assessment was submitted with the application in 2008. Highways were consulted again more recently regarding the validity of otherwise of the 2008 TA and we advised that a 12 hour count needed to be undertaken and if the results were within 10% of the previous document then we would accept that without requiring a new updated document.
- 1.3 The site is currently used as haulage yard with an operator licence (in 2008) for 17 HGV'S and 27 Trailers. There were no limitations on hours of operation although mainly movements were between 4am and 8pm.
2. Transport Assessment (TA).
  - 2.1 The TA was submitted in support of the planning application for land on Walters Yard. Originally there were 88 dwellings proposed but subsequently this number has reduced to 67. The document has been produced following National Guidelines and using the TRICS database which is the universal standard for the UK
  - 2.2 The site is accessed off the main road- Swansea Road which is between 7.5m to 8m width with footways on both sides.
  - 2.3 Access amendments have been agreed in principle with the Highways Section that provide a safer access for all users than that currently at the site. The works will be undertaken under a Section 278 Agreement with the Highway Authority. The revised access will give the required visibility when leaving the site.
  - 2.4 Personal injury statistics showed only two accidents in the three year period up to December 2007. Within the last three years there have been no new accidents in the vicinity of the site junction (which is as existing).
  - 2.5 A 12 hour survey was undertaken in April 2008. This showed approx. 6000 daily movements with 600 and 700 in the am and pm peak respectively with an average % of 6% of HGV's.
  - 2.6 The TRICS database provided a trip rate of 8.5 movements daily (based on survey sizes for between 50 and 200 houses) with between 0.6 and 0.7 movements per dwelling in the peak houses. These are as expected from dealing with other sites in the Swansea Area. In the morning peak the site was expected to generate 53 movements- less than one per minute, similarly in the afternoon peak the figure was 61 with a total of 756 for a 24 hour day.
  - 2.7 When compared to the existing uses there is an increase in traffic movements associated with the residential use. However the priority junction access has been tested using PICADY and was found to be working well within capacity with a maximum wait of 11 seconds when egressing the site.
  - 2.8 Given the length of time delay for determination a request was made for another 12 hour traffic count. This was undertaken in December 2014 and showed 580 in the morning peak and 704 in the afternoon peak so overall very little change, if anything a slight reduction. An intermediate traffic count was undertaken in 2012 by CCS and this showed flows of 454 in the morning peak, 617 in the afternoon peak and 24 hour flows of 5933. The applicant was subsequently advised that a new TA was not required.

- 2.9 It is worth noting that the original TA was written for 88 dwellings and now the scheme has been reduced to 67 so any trip generation impacts can be further reduced by 23%.
- 2.10 The conclusions of the TA were that the scheme (subject to the usual conditions, legal agreements and amended access) could be accommodated without any detriment to the Strategic Highway Network
3. Vehicular Access and Traffic
- 3.1 The only vehicular access to the site is gained directly off Swansea Road Pontlliw. The application proposed an amended access, splitting off the Seetall access from the residential/scrap yard access and the design was drawn up in consultation with Highways who have in principle approved the access design. The proposed access will allow safe access to the residential site, and the existing scrapyards and furniture factory which are being retained.
- 3.2 The amended access will have to be constructed under a Section 278 agreement with the Highways Authority. The Transport Assessment indicated that the Highway Network could cope with the additional traffic generated by the proposal.
- 3.3 The layout of the site accords with our adopted standards and the pinch point when entering the site would act as a natural traffic calming feature. Most of the carriageways have footways/service strips associated with them. Thus the layout is suitable for adoption under a section 38 Agreement with the Highway Authority. There is a watercourse also being traversed and the design of this culvert/bridge will need to be designed to HA standards and be subjected to an independent verification process.
- 3.4 The small parking courtyards dotted throughout the site, the access to the substation (between plots 18/19) and the shared drive adjacent to plot 32 will not be adopted and will remain in private ownership.
4. Car Parking
- 4.1 The development has been assessed against adopted parking guidelines. Residential parking is in accordance with the standards for zones 2-6.
- 4.2 The parking is largely provided on drives within the private curtilage, in garages and also there are forecourt areas when shared provision is available. Where garages form part of the parking provision the permitted development rights will be removed by condition to ensure that adequate parking is retained.
- 4.3 Notwithstanding the boundary treatments indicated on the submitted plans the boundary wall of any boundary fronting any highway or parking area shall be kept below 1m in the interests of visibility. This can be secured via condition.
- 4.4 The majority of the roads within the site should not require any on street controls as the parking meets the standards. However, should any Traffic Regulation Orders (TRO's) be deemed necessary during the Section 38 process then they will be included at the applicant's cost at this point. This may include Double Yellow Lines or keep clear hatching where turning for deliveries/refuse lorries may take place. These should keep the highway free from parking and maintain the routes obstruction free.



## 5. Pedestrian and Cycle Access

5.1 Pedestrian and cycle facilities are to be enhanced by the development. The footways are 2m in width and run throughout the site on at least one side of the road at any point. Whilst no dedicated cycle parking is available the availability of garages will allow safe secure parking to take place. The nature of the estate road being a no- through road should ensure low speeds to encourage on road cycling to take place.

## 6. Public Transport

6.1 There is public transport provision that runs along between Pontlliw and Pontarddulais (going from Ammanford to Swansea and vice versa) the service X13. This runs at 20minute frequency and the site is considered to be well served by public transport as an alternative means to the car.

6.2 Pontlliw is served by local amenities such as primary school, post office, hair salon, garage, local shop and pubs.

6.3 The TA makes reference to a section 106 contribution (clause 4.7 of the TA) towards bus stops upgrades and following discussion with the relevant officer I have been advised that sum of £2000 will be sufficient for remarking/repainting.

## 7. Conclusions

7.1 The Transport Assessment demonstrated the scheme can be developed without detriment being caused included with the outline consent indicated that the main access junction can accommodate the increased traffic and remain within its capacity.

## 8. Recommendations

8.1 No highway objection subject to the following;

- i. All adoptable highway works including the internal road layout and amended access being completed to Highway Authority Standards and Specification under section 38/278 Agreements. The culvert/bridge over the watercourse will require separate approval/verification from the Bridges and structures section.
- ii. Garages shall remain for parking purposes only incidental to the residence only and not for any other use.
- iii. Notwithstanding the submitted details the boundary walls along the estate road boundary shall be kept below 1m in the interests of visibility to ensure that adequate visibility is maintained for accessing/egressing vehicles and pedestrians.
- iv. A sum of £2,000 to be made payable under a section 106 agreement for upgrades associated with the two closest bus stops of Swansea Road Pontlliw.
- v. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.

- vi. 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.
- vii. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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 : or the Team Leader , e-mails to, tel. no. 01792 636091

Note 2: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.

Note 3: All direction signage on the highway is subject to separate consent and further information on this aspect should be sought from The Traffic Management Group, City and County of Swansea, Tel: 01792 636168.

## **APPRAISAL**

This application has been called to Committee for decision by Councillor Gareth Sullivan in order to consider the impact on the surrounding area and infrastructure.

This application seeks planning permission for the construction of 67 houses with associated access, roads, parking and landscaping at Walter Yard, Swansea Road, Pontlliw.

The application site, which is elongated and irregular in shape, is currently used as a haulage yard with access derived off Swansea Road which is shared with the adjacent furniture factory and scrap yard. The site is bound by a scrapyard and rail line to the north east which are separated from the site by a high embankment. The neighbouring furniture factory is located to the south east and is separated from the site by a line of conifer trees. To the west is open countryside.

There is one large single storey building on the site with the residual areas covered in a mix of, scrub, bare ground and various hard surfaces. Lorry parts, other vehicles and containers are scattered around the site. The site is generally level with a change across the site of approximately 1.5-2m. The site is surrounded by mature shrubs and trees which along the northern and north western edge are covered by a Tree Preservation Order (TPO). There is a culvert which runs in a south westerly direction through the site beyond which the site is less well used.

There is an 11KV overhead line crossing the site which is proposed to be diverted across the site or grounded. The Local Planning Authority has already been consulted on the diversion under Planning Ref: 2013/1005 and offered no objection to the proposals, which would divert the line along the alignment of the access road.

The north western parcel of land that forms the site is identified in the UDP proposals maps as being within the open countryside, as such the proposal has been advertised as a departure to the provisions of development plan. Policy EV20 states that in the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008). This land, however, benefits from a Lawful Development Certificate issued in 1988 which has established that the use of this land and the residual areas of the site, save for the access, as a haulage contractors business is lawful. Moreover, visually and spatially this land is considered to more closely relate to the wider brownfield site rather than the open countryside. It is considered that this should be given significant weight in the determination of this application, notwithstanding the countryside boundary indicated in the UDP proposals maps, subject to other planning policy and technical requirements which are discussed below.

## **Main Issues**

The main issues to consider in the determination of this application relate to the acceptability of the residential development at this site in terms of its impact on visual and residential amenity, highway safety, ecology, drainage and water quality issues, and compatibility with adjacent land uses, 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.

### Policy considerations/ Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined 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 10th November 2008.

The application site was put forward as a housing site in the draft Interim Housing Land Policy Statement 2002-2009 (IHLPS) but was withdrawn from consideration in 2004 following unresolved issues relating to flooding, access and the proximity of the adjacent scrap yard.

In terms of the emerging Local Development Plan (LDP), the site has been promoted for housing through the LDP and was included as a housing site within the Pre-Deposit Draft.

The north western parcel of land that forms the site is identified in the UDP proposals maps as being within the open countryside, as such the proposal has been advertised as a departure to the provisions of development plan. This land, however, benefits from a Lawful Development Certificate issued in 1988 which has established that the use of this land and the residual areas of the site, save for the access, as a haulage contractors business is lawful. Moreover, visually and spatially this land is considered to more closely relate to the wider brownfield site rather than the open countryside. Given this planning history, and notwithstanding countryside boundary indicated in the UDP proposals maps, there is no objection in principle to the use of this parcel of land as housing subject to other planning policy and technical requirements which are discussed below.

In line with the objectives of Planning Policy Wales 2014 (7th Edition) and TAN 12: Design (2014), UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. In addition, UDP policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking. These Policies are expanded upon and supported by the Supplementary Planning Guidance (SPG) document 'Places to Live: A Design Guide' adopted in 2014.

The current proposal needs to be considered in the context of the surrounding area. The natural environment of this site is further supported by Policy EV30 which particularly seeks to protect and improve woodlands.

With regard to drainage from this site, full regard has to be given in this case to Policy EV25 and the impact of drainage on the water quality of the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMS), and the requirements of related policies EV33, EV34, EV35 and EV36 regarding sewage disposal, surface water run-off, development and flood risk.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and 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 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development.

## **Visual Amenity**

The proposal has been the subject of significant negotiations in order to ensure that the density, layout and design of the development has sufficient regard to its location at the edge of the countryside. Significantly the number of dwellings has been reduced from 88 dwellings as originally proposed to 67 dwellings.

In visual and spatial terms, the site is somewhat isolated from the main road which runs through the village due to access being derived from a dedicated road which runs between the scrap yard access and railway embankment to the north and the grounds of the furniture factory to the south. A pedestrian link will be provided from the main part of the site to Swansea Road. The link would be relatively pleasant as there are trees on both sides of the access, however, the palisade fence boundary treatment with the factory should be screened where possible and street lighting would be required as the portion of the link closest the Swansea Road is not overlooked.

Once into the main part of the site the spine road meanders through the development which is characterised in the main by detached and semi-detached dwellings fronting directly onto the road with small front gardens. Other good design principles incorporated into the development include the effective use of corner buildings, side parking to limit the visual impacts of parked cars, and frontages onto the watercourse, which will provide a focal point in the central part of the development.

The majority of mature trees around the site perimeter are indicated to be retained which will provide some screening to the development from surrounding views to the west and will ensure the site reflects its sensitive location at the edge of the village. In this regard it will also be necessary to ensure that suitable boundary treatments are provided along the western edge of the site to ensure a soft edge to the perimeter of the development.

In this respect it is noted that a new native hedge is indicated along the rear of plots 12-26 to define the boundary. The provision of suitable boundary treatments can be addressed by condition.

In terms of the house types proposed there is a good mix of 2 bed (10), 3 bed (32) and 4 bed (25) dwellings. Again the provision of satisfactory house types has been the subject of negotiations as has the mix of materials. The three storey properties previously proposed have been deleted resulting in the whole development being two storey, thus reflecting the scale and character of the properties within the village. The majority of the dwellings (50) would be in facing brick with rendered dwellings generally used on important corners facing the access road. This will provide the variety in the street scene that reflects the variety of facing materials found within the wider context of Pontlliw.

A landscaping plan has not been submitted with the scheme, however, there is scope within the development to provide planting within both public and private areas of the site. It will also be important that the boundary treatments facing the road are robust and of good quality design.

As stated earlier there is a pedestrian link through the development to Swansea Road. There is also a public right of way which crosses the north western part of the site. This will be re-aligned to follow the line of a new path. The provision of a satisfactory treatment for this path can be secured by condition and an informative note will be included advising the applicant to contact the Rights of Way Team to discuss the re-alignment of this path.

In light of the above the proposal is considered to represent a satisfactory form of development in terms of its impacts on the character and appearance of the area. The layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1, and EV2.

### **Residential Amenity**

In terms of residential amenity impacts, the nearest existing residential property to the development is Lliw Forge sited over 60m to the south west as such there would be no material residential amenity impacts to this property.

The layout has been amended to improve the separation distances between dwellings within the development. Back to back and back to side separation distances now generally accord with the guideline separation distances outlined in the adopted SPG. In addition for the vast majority of the plots a standard 10 metre separation distance would be maintained where first floor windows would overlook neighbouring private amenity space. In this respect the development is considered to be satisfactory.

The site is surrounded by mature trees. Following officer concerns the layout has been amended to pull the dwellings away from these trees particularly in the north westernmost corner of the site where plot 42 is sited. The amended plans have now addressed previous concerns with regard to the potential conflict between the development and the canopies and root systems of the trees in this area. Furthermore, it is not considered the siting of the dwelling on plot 42 would give rise to any significant overbearing or overshadowing impacts from the surrounding trees.

The eastern boundary with the furniture factory is defined by high conifer trees, which will result in some overshadowing and overbearing impacts to the occupiers of those plots nearest to this boundary (plots 1, 11 and 12). To mitigate these impacts the plots have been orientated with their side gables facing this boundary which will ensure the front and rear elevations of these properties benefit from sufficient outlook and would not experience any significant overbearing impacts from these trees, despite their height.

In terms of overshadowing impacts the main impacts would be to plots 1 and 11. These plots would be overshadowed by these trees for part of the day, however, it is considered that sufficient natural light and outlook would be afforded to these properties to ensure that their siting in proximity to these trees would not result in any significant residential amenity impacts to the occupiers of these properties.

UDP Policy EV2 requires new development to have regard to the physical character and topography of the site and its surroundings and under criteria xiii, development must have full regard to existing adjacent developments and the possible impact of environmental pollution from those developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers (including light, air and noise).

Additionally, UDP Policy EV40 states that 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. The amplification to the policy states: where proposed development is to be located in close proximity to a source of noise pollution, or includes possible noise conflicts within the proposed site, proposals will be required to incorporate design, landscaping and other measures to minimise the effects on future occupants. The layout of buildings can frequently be designed or modified to reduce the effects of noise disturbance. Similarly schemes can be designed to incorporate materials, features and landscaping which reduce the impact of noise on the surrounding buildings. Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications. Planning permission will be refused if the Council is not satisfied with the results of the assessment and proposed mitigation measures. Notwithstanding the use of good design and materials, there will be some instances where new residential and other noise sensitive uses such as hospitals and schools will not be acceptable in close proximity to existing noise generating uses or activities.

In terms of noise generated from the scrap yard, the proximity of the scrap yard some 15 metres to the nearest of the proposed dwellings would have the potential to result in noise disturbance to these properties by virtue of the nature of the activities taking place at the site typically for such uses this would involve receiving and treating scrap metal by sorting, grading, baling, crushing or cutting. However, the Pollution Control Division is satisfied that the intervening embankment and the design and layout of the scheme would be sufficient to address any significant impacts to the occupiers of the development. Whilst this may be the case, there is a residual concern that this use does have the potential to generate high levels of noise that would be incompatible with the residential use proposed. This view is consistent with the earlier comments from the Pollution Control Division and one of the fundamental reasons why the site was withdrawn from the IHLPS. The scrap yard is currently vacant, and has now been acquired by the applicant in order to provide satisfactory access and egress from the site. This provides an opportunity to ensure that the use of the scrap yard ceases which shall remove the possibility of any significant noise or disturbance impacts to the occupiers of the proposed development arising from this land use. The applicant has indicated that they would be willing to surrender the use of the scrap yard and this can be achieved through a S106 planning obligation.

There is an operating commercial freight rail line to the north of the scrap yard which will have the potential to result in noise disturbance to the future occupiers of the development. In commenting on the application in 2013 the Pollution Control Division reported there may be a potential increase in the number of trains that would be using the line. Noise surveys have been taken during a train bypass which confirmed that the noise levels would not constitute a statutory nuisance.

Furthermore the noise survey submitted in support of the application confirmed that the noise generated from the operation of the rail line did not cause any increase in the noise levels on the site over and above the noise of the M4 to the west. The rail line is a similar distance to the proposed dwellings as it is to the existing dwellings on Heol Y Waun. The Pollution Control Division has not received any complaints about freight noise and as such, within the noise context of the site, it is not considered that the noise arising from the proximity to the operational rail line would result in any significant noise disturbance to the future occupiers of the proposed development.

Turning to the noise impacts from the adjacent furniture factory, Seetall Furniture have made representations concerning the potential impact of the proximity of the residential use upon the operation of the business. It is important to consider not only the impact of the proposal on the amenity that can reasonably be expected by residents of the proposed development but also the impact on neighbouring commercial operations by the proposed noise sensitive residential use.

Seetall consider that the proposed residential use is not compatible with the manufacturing processes taking place at the factory. The factory comprises a fully automated metal production plant, a foundry and upholstery factory. Its manufacturing operations take place six days a week between the hours of 07:00 and 17:00, although it is noted that deliveries may be received from 06:00am. Seetall's concern is that their manufacturing operations could be curtailed should residents not wish to live next to a busy factory, which may result in noise nuisance complaints to the Pollution Control Division which could undermine the ability of the factory to operate and, in a worst case scenario, result in closure and job losses. These legitimate concerns have been raised and are an important material planning consideration.

An acoustic report has been submitted with the application conducted in 2008 which reported no noise from the furniture factory, however, it is considered that little weight should be given to the findings of this report given the limited hours the site was surveyed (between 14:15 and 17:00) and the distance of the survey points from the factory premises. Notwithstanding this, the Pollution Control division has considered the impact of the existing operations at the furniture factory on the future occupiers of the development and are satisfied that the layout of the proposed dwellings, with their side elevations facing the application site would mitigate any significant impacts to the amenity of the future occupiers. It is noted that there are residential properties on the eastern side of the factory including a property located in close proximity to the factory access and buildings. If the premises were operating in a manner which resulted in excessive noise it would be reasonable to expect that complaints may be received on noise nuisance grounds, however, the Pollution Control division has received no noise complaints relating to the furniture factory site.

Seetall's has cited an appeal in England that was dismissed on the grounds that introducing housing adjacent to an established industrial area would prejudice the ability of the businesses to operate. Comparisons can be drawn with this decision in terms of the issues that are relevant to the consideration of this proposal, however, each application is considered having regard to the specific circumstances of the application.

On site, some intermittent noise from the factory was audible from machinery within the buildings and delivery lorries, as such it is acknowledged that whilst there will be periods when the activities within the site will be audible to future residents, as is no doubt the case for the current residents near the premises, it is considered, on balance, that these effects would not have a significant adverse impact on the living conditions of the future occupiers. It is acknowledged there is a potential for the factory premises to be occupied by a different operator, however, it is considered that the siting of the factory within a village context would not appeal to operators undertaking inherently noisy or dirty manufacturing activities.

It is considered the mitigation proposed in terms of the orientation of the dwellings would address any significant noise impacts to the occupiers of the dwellings and further mitigation has been requested by the Pollution Control division in the form of a 2.2m high fence along the eastern boundary with the factory. This can be secured by a condition.

In the absence of any significant harm to the future occupiers of the proposed development from the activities taking place at the factory, it follows therefore that the future occupiers would be unlikely to raise concerns either to the factory operators or the Council regarding noise or disturbance. As such it is not considered that the proposed development would undermine the ability of the factory to operate its business.

In view of the above the proposed development is considered to be acceptable in residential amenity terms and would accord with UDP Policies EV2, EV40 and HC2.

### **Parking, Access and Highway Safety**

Responses to the public consultations have raised concerns regarding the suitability of the access for commercial and residential use together with the impact of additional traffic on: Swansea Road; the roundabout and slip road at J47 of the M4; and the Penllergaer Roundabout near the Primary School. Concerns have also been raised that the parking provision would not be sufficient within the development. Moreover concerns have been raised regarding the accuracy and findings of the transport assessment.

A transport assessment was submitted with the application for 88 dwellings in 2008. Given the time that has passed, an additional traffic count has been undertaken in 2014 and this has been cross referenced with CCS counts undertaken in 2012. The counts indicate a slight overall reduction in traffic since 2008.

The TRICS database which is the universal standard traffic database for the UK has been used to determine traffic flows to and from the site. In the morning peak the site was expected to generate 53 movements - less than one per minute, similarly in the afternoon peak the figure was 61 with a total of 756 for a 24 hour day.

The proposed development would result in an overall increase in the volume of traffic movements at the junction, however, the priority junction access has been tested and was found to be working well within capacity with a maximum wait of 11 seconds when egressing the site. This indicates that the development would not result in any significant delays for commercial traffic exiting the furniture factory.

The access onto Swansea Road is proposed to split the traffic arising from the proposed development and scrap yard with that arising from the furniture factory. The access has been designed in consultation with the Highways Department and the Head of Highways and Transportation considers that the revised access will give the required visibility when leaving the site access and will provide a safer access for all users than currently exists.

In term of the impacts on the surrounding road network, the conclusions of the TA were that the scheme, subject to conditions, legal agreements and amended access could be accommodated without any detriment to the Strategic Highway Network. In terms of the impacts of the development on the Penllergaer Roundabout and Junction 47, the TA has not assessed impacts on these areas. Notwithstanding this, in view of the trip rates described above the development is not considered to result in such a significant increase in traffic in these areas that further detailed analysis would be required to quantify this impact which, it is considered, would not be significant.



Turning to the development layout the access road through the site accords with adopted standards and the design provides a natural traffic calming feature when entering the site. There is a watercourse also being traversed and this culvert/bridge will need to be designed to satisfactory standards. This can be secured by condition.

Parking within the development is largely provided on drives within the plots, in garages and also on forecourt areas when shared provision is available. The provision accords with adopted standards however, it is recommended that where garages form part of the parking provision this parking is retained by condition to ensure that adequate parking is available.

The Head of Highways and Transportation has confirmed the majority of the roads within the site should not require any on street controls as the parking meets adopted standards. However, it is recommended that an informative is included to advise that if any Traffic Regulation Orders (TRO's) are deemed necessary during the Section 38 process, then they will be included at the applicant's cost at this point. This may include Double Yellow Lines or keep clear hatching where turning for deliveries/refuse lorries may take place. These should keep the highway free from parking and maintain the routes obstruction free.

In view of the scale of the development within the village it is recommended that further information is required to be submitted to inform how vehicle movement will be managed during the construction phase. This information can be secured by an informative note.

In light of the above the development is considered to be acceptable in terms of parking, access and highway safety subject to a contribution of £2,000 for upgrades to the existing bus stops in Pontlliw, this is considered to be reasonable and necessary in order improve these facilities in the interests of promoting sustainability.

## **Ecology and Trees**

Several objections have been received with regard to the impact of the proposal on wildlife.

In terms of trees, a tree survey has been submitted which has been considered by the Council's tree officer. The majority of the boundary trees are proposed to be retained, however, some 21 individual trees or groups of trees have been indicated to be removed. These trees have been described as 'U' category trees which are in such condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. The majority of the trees proposed to be removed are located along the northern boundary. Those trees located outside of the application site which are indicated to be removed and are covered by TPOs, will need to be the subject of a separate TPO application.

Following initial concerns regarding the accuracy of the survey and the impact of the development on the protected trees surrounding the site, the layout has been amended to mitigate the impact on existing trees and the tree officer has offered no objection to the proposal subject to the submission of further information to indicate how the trees will be protected during development, the proposed building methods for any encroachment into root protection areas and confirmation of the extent of any tree works such as crown lifting to the trees located within the application site. This information can be secured by condition. Within the context of the vegetated embankment and the overall tree coverage around the perimeter of the site, it is considered that the loss of the trees identified would not have a significant detrimental visual impact on the character and appearance of the area.

The application was accompanied by an ecological assessment in 2008 which has been subsequently updated in consultation with the Council's planning ecologist. Separate bat and otter surveys have also been submitted.

In terms of bats, the surveyor found the main building is unlikely to support bats, however, a single common pipistrelle may use the ridge on an intermittent basis. No specific mitigation measure were identified as being required and the Planning ecologist has recommended a standard bat informative as mitigation, should planning permission be granted. The Council's planning ecologist has inspected the trees which are indicated to be removed within the applicant's tree survey for features that are likely to be used by bats. The planning ecologist is satisfied that currently no further bat survey of these trees is required. However, some of the trees that are to be retained do have possible roost features and as a precaution the planning ecologist has recommended an informative note is included with any planning permission to advise the developer of the potential for bats in the boundary trees.

The otter survey noted evidence of otters using the site, however, no signs of breeding or resting places, as such, in line with the comments of CCW (now NRW) it is not considered that the proposed development would result in any detriment to the Favourable Conservation Status of otters in their natural range.

Following discussions with the Council's planning ecologist, there is a concern that the proposed culvert measuring some 40m in length would be excessive for otter use. It is recommended that the culvert is reduced in length to some 15m, which would remove the majority of the small central open space area on the site. The removal of this open space area is not considered to raise any wider planning concerns as there is access to the surrounding countryside from the site and the proposals will also include improvements to the existing play facilities within Pontlliw. The details of the revised culvert can be secured by a condition.

The proximity of the dwelling on plot 30 to the watercourse has reduced the available buffer strip to the watercourse. In order to rectify this, the dwellings on plots 30 and 31 will need to be re-designed / amended to address this requirement. It is considered this matter can be addressed by a condition.

The features of the site of most ecological value are the boundary trees, hedges and the watercourse. These features will for the most part be retained and have been incorporated into the development.

In terms of ecology CCW and more recently NRW have offered no objection to the proposal subject to the recommendations in the applicant's ecological report and otter report being conditioned as part of any planning permission. The mitigation requirements can be addressed by conditions and informatives and are considered to be necessary in order to ensure the development would not have a detrimental impact on the ecology of the site or the wider area.

## **Land Contamination**

The application has been accompanied by a site investigation report and remediation strategy report. Site investigations carried out across the site to date have identified contamination within the shallow soil profile as a likely result of the historic use of the site and the nature/composition of the made ground. Screening indicates exceedences of arsenic, total chromium, lead, a single concentration of zinc and polyaromatic hydrocarbon (PAH) compounds. Asbestos cement was also detected within one sample and there is likely to be locally elevated hydrocarbons in the vicinity of the above ground diesel tanks. Lechate and groundwater tests have also been undertaken. It was concluded that the development would not increase the potential for leachate generation and migration. There are potential localised sources identified within the site however these areas are proposed to be remediated or verified to a satisfactory level. Based on the investigations to date no significant groundwater contamination was identified.

NRW has considered the contents of the site investigation report and remediation strategy and recommended a series of land contamination conditions which will require the submission of further information and the formalisation of the remediation and validation strategy at the site. These conditions are considered to be necessary in order to demonstrate the risk of contamination to controlled waters can be appropriately managed. However, in principle, NRW are satisfied that there are remedial options available to address the risks posed by contamination at the site.

The Pollution Control Division has also considered the contents of the applicant's remediation strategy and are satisfied that sufficient information has been provided to address the requirements for Phase 1, Phase 2 and Phase 3 site investigation and remediation reports, subject to the remedial works specified within the reports taking place. This can be controlled by a condition.

In light of the comments of NRW and the Pollution Control Division, therefore, it is considered that, subject to satisfactory remediation, the site can be developed for the intended residential use without having a harmful impact on the environment and without any unacceptable risks to the future occupiers. The development is therefore considered to be in accordance with UDP Policy EV38.

## **Flooding**

When the application was originally submitted NRW (then the EA) commented that the proposed site lies partly within zone C2 and partly within zone B, as defined by the development advice maps (dam) referred to under TAN 15, Development and Flood Risk (July 2004). Residential development is regarded as 'highly vulnerable' under TAN 15 and should not be permitted within zone C2. NRW also noted that the furniture factory site is liable to flooding.

The applicant has submitted an FCA which has been amended several times and comments have been received to these amendments from NRW.

Since the application was submitted the flood zone in relation to the site has changed and it now lies within flood zone B relating to areas known to have flooded in the past.

EV36 states that 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.

The most recent response from NRW to the flooding issues raised in their previous letters confirms that they are satisfied with the information submitted regarding the ordinary watercourse that runs through the site; the calculations indicate that the ordinary watercourse running across the site has capacity to carry both the 1% plus climate change and 0.1% flows. As such NRW has raised no objection on flooding grounds provided the post development dimensions specified are adhered to. This matter can be secured by condition.

The Council's drainage officer has also considered the FCA information and is satisfied that the 1 in 1000 year flows from the watercourse/culvert are contained within channel through the site.

In view of the comments of the Council's statutory adviser on these matters and the comments of the Council's drainage engineer it is considered that the development would be in accordance with Policy EV36.

## Drainage

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

It is generally accepted that the combined sewerage system serving this area is working at full capacity (Gowerton STW). Any increase in surface water in the sewerage catchment would increase the number of untreated sewage discharges to the Burry Inlet in times of overflow. It was therefore determined that it is imperative that no surface water be allowed to enter the sewerage infrastructure.

To accord with the agreed and signed Memorandum of Understanding (MoU), foul connections should only be allowed when compensatory surface water removal has been implemented within the same catchment and agreed relevant details recorded on the LPA's register of compensatory surface water disposal.

Concerns have been raised that the development may increase surface water flooding in the area. The proposed surface water drainage strategy will discharge surface water from the highways and plots into the watercourses within the site via attenuation. A surface water strategy encompassing attenuation to restrict discharge rates has therefore been proposed and discussed with the Drainage officer. Foul water would be discharged to the mains sewer on Swansea Road via a pumping station located on the western boundary of the site. The Councils drainage engineer has confirmed that there are no objections in principle with the proposed drainage strategy, however, the detailed design of the scheme will be agreed by a condition.

DCWW has not raised concerns regarding the capacity of the existing drainage infrastructure to accommodate the foul flows arising from the development. However, this issue has been raised in consultation responses received from EAW.

In accordance with the MoU, it is necessary to remove surface water from the combined sewer to provide betterment in the system. In accordance with the hierarchical approach the applicant has confirmed that there are no existing surface water connections available on site, as such it will be necessary for the applicant to fund through a Section 106 planning obligation a surface water removal scheme to offset the foul flows connecting into the main system.

Local opportunities for surface water removal from the combined system to offset the proposed development flows have been investigated but have proven not to be viable. It is therefore necessary to utilise a donor site to remove surface water from the combined sewer within the same WWTW catchment.

The potential for using a donor site within the catchment has been discussed with DCWW and CCS on several other housing sites. A scheme at Denver Road, Fforestfach has been identified and if implemented would provide sufficient surface water removal within the catchment to compensate for the foul flows arising from this development that would discharge to the mains sewer. A financial contribution to fund the Denver Road scheme can be secured through a S106 planning obligation.

As such, it is considered that the proposed approach would be acceptable provided a financial contribution is secured by a S106 agreement requiring a contribution of £35,000 to undertake these works.

## Burry Inlet Habitat Regulations Assessment

### Introduction

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

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

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

### Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources.

Whilst surface water would drain into the combined sewer, it does currently and it is not considered that the proposals would exacerbate this situation as it would be attenuated to greenfield rates.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

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

#### Other possible effects on CBEEMs features

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

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

The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, has confirmed that they are content with the above approach.

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

#### Hydraulic Capacity Issues in Gowerton WwTW drainage network

The former EA previously raised further concern that there are outstanding hydraulic capacity issues in the Gowerton Waste Water Treatment Works catchment area. These are summarised above in their responses and appear to relate to wider concerns from Europe regarding the future water quality of the estuary. However DCWW has not objected to the application, and there is no conclusive evidence that supports the NRW view that this development could harm the water environment. Moreover, the Local Planning Authority is satisfied that it has addressed the water quality issues relating to the Habitats Regulations on this site and NRW have since agreed to the Council's adopted Habitat Regulations Assessment that covers all development in the drainage network area up to the end of 2018. As explained above this HRA is based on objective information available from the Agency's own Review of Consents of Gowerton WwTW, 2010.

The Council has been working with the Agencies of the Welsh Government who are seeking to resolve this problem in seeking to 'enhance' this situation, by improving the current drainage problems in the Gowerton drainage network, before new foul connections can be made. Where possible, landowners and developers are being encouraged to remove surface water from combined sewers where there is a need to facilitate new development.

As part of this initiative, in 2011 DCWW adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a Plan of Improvement works for Gowerton WwTW catchment (AMP 7), and are currently indicating that schemes will be brought forward where necessary to facilitate development.

### Drainage Conclusion

In conclusion, DCWW has not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2018 when it is understood that DCWW has planned upgrading works to this WwTW. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

In summary, there are no known hydraulic capacity or new water quality issues to address and there is no justification to refuse this proposal on these grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34 and EV35.

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

Policy 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 proposed obligation must be necessary to make the development acceptable in planning terms, directly related to the development, fair and reasonable in scale and kind to the proposed development.

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.

In accordance with these requirements the developer has submitted a viability appraisal for the site using an industry recognised appraisal model (Three Dragons). The assessments highlights the need for significant remediation of the site to facilitate the development proposed and incorporates a detailed breakdown of the abnormal costs required to bring the site forward for development in accordance with the proposed scheme totalling some £2.4m. An independent assessment of the applicant's viability appraisal has been carried out by a consultant who found that the assumptions and conclusions of the assessment were sound. It is therefore accepted that any contribution requests arising from the development must be considered from the viewpoint that the development is marginally viable. Notwithstanding this the applicant has indicated that £50,000 would be available to contribute towards any justified contributions, however, owing to the marginal viability of the development no affordable housing is being proposed despite a need for affordable housing within the area and a request for 30% affordable housing on site from the Housing department.

Other financial contribution requests are discussed below:

## Recreation Provision

In accordance with Policy HC24, all new housing will be required to make provision for areas of open space either within the site or at an appropriate location where the level and nature of open space provision in the locality is inadequate to meet the demands of the future occupiers together with the needs of the existing population.

As part of the LDP process, the Council has prepared an Open Space Assessment to identify the existing situation in the County. Within the Llangyfelach ward, there is an undersupply of open space provision according to the Fields in Trust guidelines. Pontlliw has been identified as having adequate provision in the north but a deficiency in the south. The access to the site would be over 300m to Park Pontlliw and the Pontlliw trim trail which is the normal distance used to indicate whether a facility is readily accessible to the public.

The nearest formal play areas are some 500m from the centre of the application site and according to the assessment these areas are in 'good' condition. Notwithstanding this the Parks Department have requested £31,774.06 for upgrades to this facility in accordance with the SPG document entitled 'Planning Obligations'. The open space within the site indicated on the drawings will not be provided owing to the need to significantly reduce the size of the culvert, as such it is considered reasonable and necessary in this instance to require a full contribution, as set out above, for upgrades to Pontlliw Park to take account of its increased use by the future residents of the proposed development. This can be secured by a S106 planning agreement.

The residual areas of open space within the site will need to be appropriately managed and maintained, however, no details of this have been provided. It is therefore recommended that details of its future management are required by condition.

## Education

In terms of an Education contribution the proposed development would generate the equivalent of 20.77 primary school places and the cost of providing these places is estimated to be £215,426. It would also generate an equivalent of 14.74 secondary school places and the cost of providing these places is estimated to be £233,600.

The English medium catchment schools for the development are Pontlliw Primary feeding Pontarddulais Comprehensive and in terms of Welsh medium, Ysgol Gynradd Gymraeg Bryniago (YGG Bryniago) feeding Ysgol Gyfun Gwyr.

As of 2014, approximately 14% of pupils attended a Welsh primary school and 11% attended a Welsh secondary school. These levels are expected to rise to 17% and 15% respectively by 2021 according to Education's projections. However, based on the current distribution of pupils attending Welsh medium schools, it is considered reasonable to apply a figure of 12.5% to allow for an increase in the Welsh medium participation rate. When applying these figures to the current proposal it has been calculated that the development would generate 2.59 Welsh primary school places and 1.84 Welsh secondary school places.

Based on current figures Pontlliw Primary presently has spare capacity of 10 unfilled spaces reducing to 7 unfilled spaces in 2022. According to the figures the development would generate 18 English medium primary pupil spaces. The Council's Education department has advised that Pontlliw Primary school is on a very restricted site with little scope for expansion. This development, together with other small developments in the area may push the school beyond its physical capability.



It is noted that Education have not requested a contribution for this school, instead favouring a contribution for YYG Bryniago (see below) and in view of the limited funds that would be available to contribute to any alterations/extensions to this school, it is not considered that a request for a contribution should be required in this instance.

Turning to Pontarddulais Comprehensive, this school currently has 9 unfilled spaces projecting to rise to 54 unfilled spaces in 2022. It is noted that other developments in the area may consume some of this projected surplus capacity, for example, the proposed development of 200 dwellings at Llewellyn Road Penlleger. However, even taking these into account it is considered that this school could accommodate the 13 pupils arising from this development. As such it is not considered necessary to provide a contribution for this school.

Turning to the Welsh medium schools, YGG Bryniago currently has 35 unfilled spaces and this is projected to decrease to 4 in 2021. Ysgol Gyfun Gwyr currently has 182 unfilled spaces and this is set to alter significantly to the extent that it is estimated the school would be oversubscribed by 192 spaces by 2022.

YGG Bryniago currently has sufficient existing capacity to accommodate the 3 pupils arising from the development, however, the significant decrease in the projected capacity indicates that, with other approved developments, this site may take the school over its capacity. Notwithstanding this in view of the limited number of pupils that would be generated by the development and the current existing capacity, it is not considered necessary in this instance to require a developer contribution for upgrades to the school in this instance.

Turning to Ysgol Gyfun Gwyr, the projected capacity at 2022 is evidence that this school would experience capacity issues within the timeframe of any planning permission granted for this development. Under the provisions of the Council's adopted Planning Obligations' SPG a contribution of some £29,200 to fund extensions/improvements to this school could be required but must be justified, however, given the limited secondary school places generated (1.84 pupil spaces) it is not considered that the impact of this development would be sufficient to justify a recommendation of refusal in this instance. As a consequence it is not considered necessary in planning terms for the development to provide an education contribution in this instance.

#### Viability / S106 Conclusions

The SPG highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect the site forms a relatively large (within the context of the village) brownfield site within a sustainable location. The removal of both the haulage yard and scrap yard uses would, it is considered, provide a wider benefit to the community by removing uses which have the potential to cause noise, disturbance and environmental pollution through site activities and the types of heavy goods traffic associated with these uses. The development also provides an opportunity to remediate a site which has experienced contamination through its historic uses. Moreover, the development will bring benefits to the locality in terms of providing a mix of good quality new housing within a well designed layout.

The marginal viability of the site has led to no affordable housing provision within the development. The question therefore is whether the absence of this provision would make the development unacceptable in planning terms. Clearly the provision of affordable housing within sites is desirable to sustain rural communities and provide a socially balanced mix within new developments. HC3 explains that the Council will seek affordable housing provision where this is not ruled out by exceptional development costs. In this instance the development costs associated with bringing forward this mainly brownfield site would render the development unviable.

As such, having regard to Policy HC3, despite the lack of affordable housing provision within the development, this would not be a sustainable reason for refusing this development, particularly when considering the positive aspects of developing the site within the balancing exercise.

### **Other Matters**

Concerns have been raised in letters of objection regarding the impact of the development on local health services, however, the local health authority has not identified any capacity issues at local medical practices.

Concerns that there are better sites to develop housing in Pontarddulais have been given little weight. Whilst this may or may not be the case, this planning application has been considered on its own merits having regard to UDP planning policies.

It is acknowledged that the proposal will increase vehicular traffic on local roads. However, given the relatively low volumes of traffic arising from the development, the noise impact on existing residents would not be so significant that the application should be recommended for refusal for this reason. Furthermore the removal of the haulage use and scrapyards use would potentially reduce the volume of larger vehicles on the local roads.

The development of this site would not, it is considered, result in the release of further sites in the countryside around Pontlliw. However, it is noted there are other housing sites in Pontlliw which have been identified for housing in the LDP draft proposals maps.

Concerns have been raised that the proposal would have a detrimental impact on Pontlliw's viability as a Welsh community. Whilst this concern is noted there is a need for around 4,600 homes within this strategic housing policy zone over the next plan period. There is scope for additional dwellings in Pontlliw, as services and facilities are available in close proximity and will meet sustainability objectives. The need to provide new housing is considered to carry significant weight and in the absence of any identified harm the development is considered to be in accordance with both national and local planning policies.

Concerns have been raised regarding the proximity of the foul pumping station to neighbouring land. The neighbouring land is located within the open countryside and is covered by mature trees and shrubs. In these circumstances it is not considered the siting of the pumping station in relation to this land would raise any material planning concerns that would justify refusal of the application.

Concerns have been raised that a maintenance corridor cannot be provided as part of the corridor would be within land outside the applicant's ownership. A maintenance/wildlife corridor has been indicated on the plans and subject to conditions specified above, would be satisfactory. The requirements to provide a corridor would not extend to neighbouring land, which is outside of the application site.

Concerns raised in relation to increased incidents of anti-social behaviour arising from the development of this site are unsubstantiated and carry little weight in the determination of this planning application.

Concerns have been raised that no site investigation work has taken place within the railway embankment. The scheme to remediate the site relates to the application site only and would not extend to neighbouring land. Both NRW and the Council's Pollution control division are satisfied in principle that the site contamination can be satisfactorily addressed, subject to the submission of further information.

Any residual matters raised in letters of objection have been addressed within the above report.

## **Conclusion**

The proposal is for a residential development of 67 dwellings on a mainly brownfield site within Pontlliw. Part of the application site is located within the open countryside, however, the development of this portion of the site is considered to be acceptable given the existence of a lawful development certificate for this land that both visually and spatially more closely relates to the application site, rather than the open countryside beyond.

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area. On balance, the relationship with the neighbouring furniture factory is considered to be acceptable and the proposed development is considered to be satisfactory in terms of its impacts on ecology, trees, drainage, access and highway safety. The impact of the development on existing infrastructure and services has been considered and subject to contributions in respect of upgrades to a local park and a bus stop, is considered to be satisfactory.

In light of the above the development is considered to be an acceptable departure from UDP Policies and conditional approval is therefore recommended.

## **RECOMMENDATION**

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

- 1) £31,774 for upgrade works to Pontlliw Park.**
- 2) £2,000 for bus stop upgrades in Pontlliw**
- 3) £35,000 contribution towards off-site drainage works at Denver Road**
- 4) £3,768 contribution towards ongoing management and monitoring fees (based on 20% of the planning fee as set out in the SPG).**
- 5) That the land adjacent to the site known as the former Bridge Metals shall not be used as a scrapyards in perpetuity.**

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: 150 - Alnwick Floor Plans and Elevations Brick, 151 - Hansbury Floor Plans and Elevations, 152 - Rufford Floor Plans and Elevations, 153 - Hatfield Floor Plans and Elevations, 154 - Hatfield Floor Plans and Elevations, 157 - Roseberry Floor Plans and Elevations Brick, 158 - Roseberry Floor Plans and Elevations, 159 - Chedworth Floor Plans and Elevations Brick, 160 - Chedworth Floor Plans and Elevations, 161 - Corfe Floor Plans and Elevations Brick, 162 - Corfe Floor Plans and Elevations, 163 - Garages Floor Plans and Elevations, 164 - Enclosure details Sheet 1, 165 - Enclosure details Sheet 2, 166 - Enclosure details Sheet 3, received 30th October 2015. Site location plan received 2nd March 2015. 100 Rev B - Planning Layout, 103 Rev C - Materials Layout, 155 Rev A - Clayton Floor Plans and Elevations Brick, 156 - Clayton Floor Plans and Elevations, received 5th January 2015. 201 Engineering Layout received 17th February 2015. 106 Rev A - Street Scenes, received 24th February 2015.

Reason: To define the extent of the permission granted.

- 3 Prior to the commencement of development on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) 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) Proposed working hours;
  - d) Principal Contractor details, which will include a nominated contact for complaints;
  - e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
  - f) Details of on-site dust mitigation measures having regard to BPM;
  - g) Details of on-site noise mitigation measures having regard to BPM;
  - h) Details of waste management arrangements (including any crushing/ screening operations);
  - i) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
  - j) How each of these watercourses and pathways will be protected from site run off during construction;
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

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

- 4 Before any dwelling hereby approved is occupied, details of street lighting for the development, including a phasing scheme for implementation, shall be submitted to and approved in writing by the Local Planning Authority . The street lighting shall be designed to prevent light spillage onto the watercourse and shall be implemented in accordance with the approved details.

Reason: In the interests of ecology, pedestrian and highway safety.

- 5 No development shall take place until full details of the proposed arrangements for future management and maintenance of the proposed streets and open spaces within the development, have been submitted to and approved in writing by the Local Planning Authority. The streets and open spaces 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.

Reason: In the interests of highway safety and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.

6 No development shall take place until full engineering details of the highways and footpaths located within the development, including details of the phasing of the highways and footpath construction, have been submitted to and approved in writing by the Local Planning Authority. The highways and footpaths shall be completed in accordance with the approved details.

Reason: In the interest of highway safety.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) (or any order revoking or amending that order), no development falling within Classes A, B, D, E and F of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface water system is not designed to accommodate and in the interests of visual amenity and residential amenity.

8 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the provision of a 2.2m high close board timber fence on the eastern boundary of the site.

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

9 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 details prior to the commencement of work on site.

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

10 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 be carried out in accordance with the approved details, and no dwelling shall be beneficially occupied before it is served by the approved foul water, surface water, land drainage and the systems shall be retained in perpetuity.

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

11 Prior to the occupation of any dwellings hereby approved either:

a) a surface water removal strategy delivering sufficient compensation for the foul flows from the development shall have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development

or,

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

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

- 12 No development shall take place until a scheme for the landscaping of the site, including details of the phasing of the landscaping, has been submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall be carried out in accordance with the approved scheme. Any trees or shrubs planted in accordance with this condition which are removed, die, 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: 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.

- 13 Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site with specific regard to its impacts to controlled waters 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.

The scheme shall be implemented as approved and any changes to these components require the express consent of the local planning authority.

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

- 14 Prior to occupation of any part of the development hereby permitted, 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.

- 15 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. Within two months of 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.

- 16 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.

- 17 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

- 19 Unless arising from the requirements of condition 13, the remediation of the site and the remediation verification process shall be carried out in accordance with the Remediation Strategy Report [10857-3/MJE/14/RSR].

Reason: In the interests of the health and safety of the future occupiers of the development and to protect the environment.

- 20 The materials used for the external surfaces of the development shall be in accordance with details to be submitted to and approved in writing by the local planning authority before the development is commenced.

Reason: In the interests of visual amenity.

21 Prior to the commencement of development a scheme for the upgrading and development of the ordinary watercourse running through the site, including the provision of a maintenance/wildlife buffer and a timescale for implementation, shall be submitted to and approved in writing by the local planning authority. The watercourse shall be developed in accordance with the approved scheme and timescales and shall be developed in accordance with the following dimensions: at least 0.5m bed width, 1.5m depth and 1:1 side slopes, with a bed gradient not less than the gradient of the ground along the top of the bank.

Reason: To ensure the post development dimensions of the watercourse accord with the dimensions specified within the flooding consequences assessment.

22 No development including any demolition works or site clearance works shall take place until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown to be retained within the tree survey and plan dated 13th November 2012. The approved scheme shall be in place throughout the course of the development and shall include:

a) a plan, showing the position of every tree on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed;

b) and in relation to every tree identified a schedule listing:

- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;

- any proposed pruning, crown lifting, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and the method of construction for any works that might affect the root protection area;

Reason: To secure the protection of trees growing on the site whilst the development is being carried out in the interests of visual amenity and ecology.

23 Notwithstanding the details indicated in the approved plans, prior to the commencement of development the following information shall be submitted to and approved in writing by the local planning authority:

(i). A scheme for the reduction in the length of the culvert over the ordinary watercourse to some 15m unless

(ii). A scheme for the re-design of plots 30 and 31 in order to provide a maintenance and wildlife corridor along the ordinary watercourse.

(iii). A timescale for implementation of the schemes in (i) and (ii) above

The development shall be implemented and retained in accordance with the approved details.

Reason: To ensure the development would not adversely impact on otters or other wildlife along the watercourse.



- 24 Prior to the commencement of any drainage works on site a scheme for the management and maintenance of the surface water system shall be submitted to and approved in writing with the local planning authority. The surface water system shall be managed and maintained in accordance with the approved details for the duration of the use hereby approved.  
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.
- 25 An otter underpass shall be constructed under the new road crossing over the watercourse in accordance with details to be submitted to and approved in writing by the local planning authority prior to any works commencing on the watercourse. Unless otherwise agreed in writing, the approved underpass shall be constructed prior to the completion of the new road crossing.  
Reason: To ensure the development does not have an adverse impact on otters using the watercourse.
- 26 The development shall be completed in accordance with the reptile mitigation methodology set out in the Hawkeswood Ecology survey received 20th April 2008.  
Reason: In the interests of ecology.
- 27 Any garages hereby approved within the development shall be used 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 parking provision in the interests of visual amenity and highway safety.
- 28 A Travel Plan for the development shall be submitted to and approved in writing by the local planning authority prior to the beneficial occupation of any dwelling hereby approved. The Travel Plan shall be implemented in accordance with the approved details.  
Reason: In the interests of promoting alternative modes of transportation.
- 29 Prior to the occupation of the first dwelling on site, details of the design and surface treatment of the public right of way footpath, which traverses the site, together with a timetable for implementation of the works, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.  
Reason: To provide satisfactory access to the open countryside from the development.

## **INFORMATIVES**

- 1 The majority of the roads within the site should not require any on street controls as the parking meets the standards. However, should any Traffic Regulation Orders (TRO's) be deemed necessary during the Section 38 process then they will be included at the applicant's cost at this point. This may include Double Yellow Lines or keep clear hatching where turning for deliveries/refuse lorries may take place. These should keep the highway free from parking and maintain the routes obstruction free.

- 2 The development is crossed by a 9inch surface water sewer and a 300mm storm overflow. DCWW has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewerage assets.
- 3 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, EV20, EV30, EV33, EV34, EV35, EV36, EV38, EV40, HC3, HC17, AS1, AS2 and AS6
- 4 Construction Noise. The following restrictions should be applied to all works of demolition and 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 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.
- 5 Note: All highway works outside the site are on adopted highways and therefore are required to be covered by an Agreement under Section 278 of the Highways Act 1980. The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development), e-mails to: jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.
- 6 This notice does not give authority to destroy or damage a bat roost or disturb a bat and trees located on the site have the potential to house bats. All 16 British bat species are protected under Regulation 39 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you suspect that bats might roost in the tree(s) for which work is planned you should take further advice from Natural Resources Wales, or an ecological consultant, before you start. If bats are discovered during the work you must stop immediately and Natural Resources Wales for advice before continuing.
- 7 Birds may be present. 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 is in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August.

8 Dwr Cymru/ Welsh Water have advised that if a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

## SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

## WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The developer is advised to contact us at the above address or on telephone 0800 9172652 prior to the commencement of any site work.

Finally we note that the outline drainage strategy is reliant on an offsite surface water removal scheme in the vicinity of Denver Road. This is a necessary part of the proposal that has influenced the recommendations we provide above. We therefore ask that its provision be secured through an obligation under section 106 of the Town and Country Planning Act should you decide to grant planning permission for the proposed development.

- 9 Please note that the development site is traversed by a public right of way. Prior to the commencement of development you are advised to contact the Council's Rights of Way officer to discuss any requirements in relation to the diversion of this public footpath.
- 10 Please note that this planning permission does not give consent for any works to trees covered by tree protection orders which lie outside of the application site area. Any works to these trees would require a separate planning application for works to protected trees.
- 11 Log and stone piles present on site should be disassembled by hand. If other signs of otter use are uncovered, work should cease immediately and Natural Resources Wales should be contacted for advice.
- 12 **INFORMATIVE NOTE:**  
The site of this application is crossed by high voltage overhead electricity lines. Please contact Western Power Distribution prior to any works commencing on site.
- 13 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.
- 14 All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
- The Developer must contact the Highway Management Group, The City and County of Swansea, Penllergaer Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to : [jim.marshall@swansea.gov.uk](mailto:jim.marshall@swansea.gov.uk) or the Team Leader, e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk), tel. no. 01792 636091
- 15 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.
- 16 All direction signage on the highway is subject to separate consent and further information on this aspect should be sought from The Traffic Management Group, City and County of Swansea, Tel: 01792 636168.
- 17 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)

18 All adoptable highway works including the internal road layout and amended access being completed to Highway Authority Standards and Specification under section 38/278 Agreements. The culvert/bridge over the watercourse will require separate approval/verification from the Bridges and structures section.

19 Notwithstanding the submitted details the boundary walls along the estate road boundary shall be kept below 1m in the interests of visibility to ensure that adequate visibility is maintained for accessing/egressing vehicles and pedestrians.

20 **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016