

**Item** **Application Number:** 2017/2677/FUL

**Ward:** Llansamlet - Area 1

**Location:** Land At Heol Ddu Farm , Birchgrove Road, Birchgrove, Swansea, SA7 9NS

**Proposal:** Mixed-use development comprising 23 residential dwellings and Coffee Shop with Drive Through Facility and associated works

**Applicant:** SRT Developments Ltd SRT Developments Ltd



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## **Background Information**

### **Policies**

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV2 - Siting

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).

#### UDP - EV3 - Accessibility

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)

#### UDP - EV30 - Trees, Woodland and Hedgerow Protection

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)

#### UDP - EV33 - Sewage Disposal

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)

#### UDP - EV35 - Surface Water Run-Off

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)

#### UDP - EV38 - Contaminated Land

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)

#### UDP - EV39 - Land Instability

Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

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)

#### UDP - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

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)

#### UDP - HC24 - Play Areas/Public Open Space

Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

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)

#### UDP - HC18 - Leisure Facilities and Areas

New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)

#### **Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2016/3063/PRE	Withdrawn	WDN	04.10.2016

2017/2677/FUL	Mixed-use development comprising 23 residential dwellings and Coffee Shop with Drive Through Facility and associated works	PDE	
2010/1548	Demolition of farm bungalow (application for Prior Notification of Proposed Demolition)	PNRE Q	04.11.2010
2003/2400	Residential development (renewal of outline planning permission 98/1144 granted 30th November 1998)	APP	03.02.2004
2003/2077	Variation of condition 02 of planning permission 2001/1903 granted on 26th March 2002 to allow for the extension of time in which to submit a reserved matters application for a further period of 3 years	WDN	23.01.2004
2001/1903	Variation of condition 02 of planning permission 98/1144 dated 30th November 1998 to allow an extension of time in which to submit a reserved matters application	APP	26.03.2002

## Response to consultations

The application was advertised by site notices and a press notice, twenty five neighbouring properties were individually consulted. Eighty five letters of objection have been received and a petition of objection containing 467 signatures. These responses include those received following a further focused reconsultation following amendments to the scheme. The responses may be summarised as follows:

1. The new development with the 23 houses and flats is going to bring more than 50 cars a day on top of the 479 estimated trips to the drive thru and service traffic. The proposal would have a significant detrimental impact upon traffic in the surrounding area.
2. The motorway junction has severe traffic problems at peak times. The development will encourage more traffic to leave and re-join the motorway.
3. The two proposed entrances on the B4291 will cause traffic to back up due to cars turning right into the coffee shop and residential areas.
4. The traffic lights already cause stationary vehicles to back up and foul the motorway junction. Adding more traffic will make a bad situation worse.
5. There is no need for a coffee shop in this location. The area is already well served by similar facilities. Housing is needed not coffee shops.
6. The proposal would increase anti-social behaviour and reduce the quality of lives for elderly residents, especially in view of the late opening hours

7. Is low cost housing suitable in an area containing housing in the higher price range? The proposal could reduce house prices and potentially reduce council tax for the council.
8. The design of the development would not be in keeping with surrounding properties. The buildings surrounding the site are low density. The development is cramped over-intensive and would have a significant adverse effect on the character and appearance of the area.
9. Pedestrian safety, including that of school children, on the roads surrounding the area is already an issue and the development will not improve the situation.
10. Concerns regarding the increased levels of noise, air and light pollution from higher numbers of slow moving traffic, delivery lorries and waste management vehicles. The proposal would be detrimental to the health and well-being of residents.
11. Concerns the air quality is already poor in the area and the development would make the situation worse, to the detriment of the health of residents.
12. The development may impede Welsh Government plans to improve junction 44.
13. Future developments in Birchgrove have not been factored into the traffic movements within the submission.
14. Concerns the proposal would result in a loss of privacy due to the height and proximity of the development.
15. The site is within the Local Development Plan as a housing site for 10 units. Swansea planning department should not deviate from this.
16. The proposal will cut off residents of Upper Peniel Green Road from the village.
17. There are enough people in Birchgrove, infrastructure and services are overwhelmed as it is.
18. Concerns regarding litter arising from the development.
19. Concerns the traffic assessment has not captured a representative sample of traffic in the area.
20. Concerns regarding existing flooding on the site. The development may result in run-off across Peniel Green Road at junction 44, resulting in a potential traffic hazard and may result in run-off to neighbouring properties.
21. The proposal will be of no benefit to residents of Birchgrove.
22. Concerns regarding overlooking of the rear gardens of dwellings on Birchgrove Road and Peniel Green Road.
23. Concerns regarding the security of the rear boundaries of properties on Peniel Green Road.
24. Concerns regarding access to the garages to the south of the site and concerns this area may be used as a stop off for delivery vehicles, thereby blocking access to the garages.
25. Concerns the products sold at a drive through would not be healthy for school children.
26. Concerns regarding the disturbance of the Japanese knotweed on the site and that its eradication may result in environmental problems to wildlife and residents.
27. Concerns the development does not align well with the local public service board Well-being strategic plan or Well being of Future Generations (Wales) Act 2015.
28. Concerns the development may increase the instances of illegally/dangerously parked cars on Peniel Green Road and the surrounding roads.
29. Concerns the proposal is a motorway service station by stealth.
30. The drawings accompanying the application do not provide sufficient information. The plan fails to show the council & community, the road manoeuvres, the size of the road layouts and the distance between the junctions. Can delivery vans and trucks turn into either site? Lorries, trucks and cars will be unable to turn safely using the current road system.
31. Concerns a drive through will eradicate the heritage of the village. This area was once farmland.
32. Concerns the part of the site is not owned by the applicant and the correct notice has not been served on the land owner.
33. Concerns the bus stops may be moved from their current positions.

## **Summaries of Other Consultation Responses:**

### **Highways Department**

#### Introduction

The applicant is proposing the construction of 23 affordable homes; a mixture of 2 and 3 bed houses, and 1 and 2 bedroom flats, and also a drive through coffee shop on land at Heol Ddu Farm, Birchgrove.

The site is proposed to be accessed from the B4291 link road, which runs between junction 44 of M4 and Birchgrove Road. The existing highway is 8m wide, and lit with footways along either side, and is subject to a 30mph speed limit. There are bus stops on the link road, which are well served by a number of existing services.

The proposals are intended to be accessed by 2 separate priority junctions, the Western side (closest to the M4) for the coffee shop, and the Eastern side (closest to Birchgrove) for the residential use.

Asbri Planning have submitted a Transport Assessment to study the impact of the development on the surrounding highway network, together with a Stage 1 Road Safety Audit on the proposals, undertaken by The Safety Forum.

#### Transport Assessment

##### Trip Generation.

The likely trips associated with each use has been assessed using the TRICS database. This is a nationally accepted database, which provides an estimate of the number of generated person movements via all modes. A database of completed schemes, from which a sample can be generated matching the location characteristics and size of the development being assessed.

##### Coffee Shop

The TRICS database predicts 39 vehicle movements associated with the coffee shop in the AM peak hour and 30 during the PM peak. Generally trips associated with coffee shop or fast food uses are already present on the network during the peak hours, these are 'linked' or 'passby' trips where the trip will be linked with another, or a customer uses the drive through whilst passing the site.

The analysis has assumed that 20% of the trips are new, this is considered to provide a robust analysis.

##### Residential

The TRICS database predicts 102 total daily movements associated with the residential use, with a maximum of 10 vehicle trips during the AM peak hour and 10 in the PM peak. This is consistent with what would be expected of a development of this scale.

##### Analysis

Base flows were surveyed in June 2017, and these factored up using the National Trip end Model to provide 2019 (year of opening) flows and 2029 year of opening plus 10 years, background growth. The proposed development generated traffic is added, and the effect over the base flows assessed.

The worst case impact is around a 2% increase over the base plus background flows on Birchgrove Road South and Heol Tyllaun. It should be noted that average daily fluctuations on any road are approximately +/- 5%. As such the development traffic can be accommodated on the surrounding highway.

The additional traffic amounts to one car every 90 seconds during the peak hour, and will have no material impact.

Capacity analysis has also been undertaken at the 2 access junctions, this was undertaken using industry standard 'Picady' software, which is used to test priority junctions. The model data has been checked and is accurate. Results are presented in terms of RFC (ratio of flow to capacity) an RFC of 1 represents an approach at capacity, and Average Queue on each approach.

The worst case RFC at either access is 0.05 for the 2029 including development traffic scenario, with an average queue across the modelled hour on all legs of less than 1 vehicle. As such the proposed access junctions will operate well within capacity.

#### Road Safety Audit

A Road Safety Audit was prepared by The Safety Forum, and a Road Safety Audit response prepared by the Authority's Traffic section. This highlighted some concerns over visibility of the new accesses. A revised outline general arrangement drawing has been provided entitled 'Proposed S278 Highway Works (Draft)', this adds traffic islands on B4291 on the approach to each of the new accesses, and extended hatching. Together with the recommendation to crown lift the existing highway trees located on the radius from junction 44 to B4291, and amendments to the triangular island at the Birchgrove Road / Heol Tyllaun traffic signals, to reduce the radius for vehicles turning left from Birchgrove Road to the B4291.

The alterations above will provide improved access to the bus stops on B4291, and assistance in keeping vehicle speeds low, although speed surveys on the link road showed 85%ile speeds of 23-25mph.

#### Internal Layout

##### Residential

The residential element is accessed via a priority junction into a 5.5m carriageway with 2m footways each side, the main roads and turning heads could be considered for adoption. Shared / private drives are not suitable for adoption..

Street Lighting has not been detailed.

Car parking is provided broadly in accordance with the adopted parking standards, with a provision of 39 spaces, this is 10 less than the maximum standards. It is thought that due to the

type of tenure being offered car ownership rates will be lower, Statistical Bulletin SB100/2013 shows vehicle ownership levels for social rented households are significantly lower than those for market housing. This is considered to be acceptable and the proposed parking will cater for expected demand.

## Coffee Shop

Cycle and car parking has been provided in accordance with the adopted standards, the drive through has been laid out to ensure customers enter all the way into the site before accessing, to remove risk of queuing onto the highway.

The Transport Assessment also details that a Travel Plan and Construction Management Plan will be implemented via a suitably worded condition.

There is no Highway objection to the scheme subject to:

1. The developer entering into a section 278 agreement for the construction of both site access junctions, and the detailed design and alterations to the B4291 detailed on plan 'Proposed S278 Highway Works (Draft)'
2. A system of Street Lighting for the residential area being designed and installed to adoptable standards.
3. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during demolition and construction; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
4. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the residential development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
5. All front boundaries to be kept below 1m in the interests of visibility.
6. The applicant be required to submit a Travel Plan for approval, and that the Travel Plan be implemented prior to the beneficial use of the building commencing.



## **Pollution Control Division**

I have been through the air quality assessment supplied as part of the application and given the output of the modelling work carried out I have no grounds for objection relating to air quality.

Looking at the noise, as long as they utilise the construction methods set out within their noise impact assessment then that will be ok.

As for plant noise they have proposed noise limits for plant, but I'd like clarification of the background readings used; we could look to condition:

Prior to the beneficial use commencing the applicant shall submit confirmation, to the Local Planning Authority, to ensure that the plant noise rating level, LAr,Tr, including any character correction shall not exceed background sound pressure level (LA90) in the following time periods:

07:00 - 19:00

19:00 - 23:00

23:00 - 07:00

Also, given the historic use of the site as Heol Ddu Pit, I would condition land contamination.

## **Ecology Officer**

### **Bats**

No bat roosts were identified by the survey but there is some potential for roosts to occur within trees that will be impacted by the proposal. Therefore please ensure, as required by NRW, that:

The scheme be implemented in accordance with the recommendations laid down in Section 7 of the document titled 'Bat Roost Assessment, Trees and Building: Land at Heol Ddu, Birchgrove', dated December 2017, by Hawkeswood Ecology, secured through a planning condition.

### **Nesting Birds**

It is likely that birds will nest in the habitats present on site despite the level of disturbance that the site has experienced. Please therefore include the following on any consent that the LPA may be minded to grant:

**CONDITION:** No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

**Reason:** To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

### **Reptiles**

There is some limited potential for reptiles to be present on site. Therefore please include the following on any consent that the LPA may be minded to grant:

**INFORMATIVE:** Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (0300 065 3000).

#### **Non-native Invasive Species**

The site contains Japanese knotweed and Himalayan Balsam. It is an offence under Section 14 (2) of the Wildlife and Countryside Act 1981 to 'plant or otherwise cause to grow in the wild' any plant which is listed in Schedule 9 Part II of the Act. Japanese knotweed and Himalayan balsam are listed in Schedule 9 Part II. Proper precautions must be taken to prevent the spread of these plants; failure to do so has the potential to result in prosecution. A scheme to prevent the spread of these species and to eradicate them from the site entirely, including the retained woodland area, must be secured through an appropriately worded planning condition.

#### **Habitats and Sites**

There are no designated sites within or close to the proposed development site.

The small area of woodland to be retained at the north eastern corner is to be retained and this is welcomed. However, I am concerned that the scheme leaves this small woodland patch isolated and disconnected. I would therefore advise that more tree planting be incorporated into the scheme as a whole but there is a particular opportunity for increased planting along the northern verge.

The scheme will result in an overall loss of habitat and the additional planting requested above will go some way to offsetting that loss. There is also an opportunity to improve the retained woodland with improved management. As well as the presence of non-native invasive species the woodland has been disturbed by fly tipping and den building activities and the ground flora is therefore limited. A management plan for the site must be produced and include how the remaining woodland shall be managed to improve the ground flora within it. This must be integrated with the scheme for eradication of the non-native invasive species on the site. This should be secured through the use of an appropriately worded condition.

#### **Environment Officer**

Recommends a condition in relation to the presence of Japanese knotweed on the site.

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 prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

#### **Tree Officer**

None of the trees present on the proposed site are protected by TPO or by virtue of being in a Conservation Area. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any

development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural impact assessment (AIA) shows the trees that will be removed to facilitate the development, there is no objection to these removals if suitable mitigation is offered. It is noted that 50% of individual category B trees will be removed (see below about T993); and half of G2, category B, will be removed. These removals are not too clear in the tree report. Their removal will require compensatory planting.

The AIA does not identify the impacts of shading, most notably plot 6 - the garden is significantly overhung by G2, these trees could be cut back to the boundary (as shown on the TPP). Although the overhang can be cut back the trees will still shade the garden significantly. Another conflict not identified is the proposed locations of a washing line in plot 12, this tree will require protection by TPO to prevent indiscriminate pruning.

The AIA does mention tree T993 and suggests that a suitable design of paving will be required to retain the tree, however, immediately east of the tree will require either extensive grading or infill. It is unlikely that T993 could be retained within this layout. Mitigation of its loss and that of T995 will be required.

The retention of most of the trees to the east of the site towards the traffic lights is welcomed. The conflict with plot 6 is not enough for an objection to be raised as the trees will remain as they are on neighbouring ground, however this juxtaposition is not ideal. In the event of approval please could you condition a tree protection plan and landscaping details.

## **Drainage and Coastal Management**

We have no objection in principle to the proposed development however there are some missing details regarding the onsite watercourses which will require resolution at some point and may affect the final layout of the site and will be dealt with under the Land Drainage Act 1991 (as amended). However we consider that the surface water design can be conditioned as below to ensure the provision of an appropriately designed scheme.

### **Condition 1**

The development shall not discharge to the watercourse network at any rate greater than 9.5l/s as stated in Section 4.5 of the Drainage Strategy Report C0959 dated 25/09/2017.

### **Reason**

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

### **Condition 2**

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. 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 and management/maintenance/adoption details. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason.

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

Condition 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the surface water management system from additional impermeable areas that it is not designed to accommodate.

## **Housing Department**

I can confirm that Coastal have proposed a 100% affordable, grant funded scheme at the land at the Land at Heol Ddu Farm, therefore we support the 23 social rented units planned.

For the purpose of the Section 106 the Housing Service would expect to see 30% of the site conditioned to remain affordable in perpetuity.

## **Education Department**

The catchment schools are Birchgrove Primary, Birchgrove Comprehensive, Ysgol Gymraeg Lon Las and Ysgol Gyfun Gymraeg Bryn Tawe. The proposal would generate a total of 3 primary school pupils (1 Welsh medium, 3 English medium) and 3 secondary school pupils (1 Welsh medium, 2 English medium).

Primary:

English-medium: the English medium catchment school currently has limited capacity (6.19%) and is forecasted to reduce further to 3.10% by September 2023; having less than 10% surplus capacity leaves the school with limited flexibility. With the added commitments stated above, this would put the school over capacity.

Welsh-medium: the Welsh medium primary school of YGG Lon Las has limited capacity (15.94%), and based on January 2017 figures is expected to be reducing to 7.78% by September 2023; leaving the school with limited flexibility.

Secondary:

English-medium: there is currently capacity at Birchgrove Comprehensive and the impact of this development and proposed developments does not pose any capacity risks for the school.

Welsh-medium: the Welsh medium secondary school (YG Bryn Tawe) based on January 2017 figures had 35.74% unfilled places, however by September 2023 is expected to be reduced capacity down to 22 (1.79%), leaving the school with no flexibility. In addition there are a large number of developments that have successfully obtained planning approval that will further exacerbate the situation; that and the impact of LDP will further increase the pressure for places at the school.

Requested Education Contribution

Providing the information above, the request for a Developer's Contribution from this proposed development is that Education request a Developer's Contribution for the English Medium Primary School of £31,116.00 plus indexation for Birchgrove Primary School to support improving the capacity.

No Developers Contribution is requested for the Welsh Medium Primary School or the English Medium and Welsh Medium Secondary/Post 16 provision due to the available capacity at those schools and or the low number and type of dwellings involved and how effective a small contribution would make.

### **Parks Service**

No comments on the basis that this is for a low number of units, which includes 8 No. 1 bed units.

### **Natural Resources Wales**

We recommend that you should only grant planning permission if you attach the following condition. This would address significant concerns that we have identified and we would not object providing that this condition was attached.

The scheme be implemented in accordance with the recommendations laid down in Section 7 of the document titled 'Bat Roost Assessment, Trees and Building: Land at Heol Ddu, Birchgrove', dated December 2017, by Hawkeswood Ecology, secured through a planning condition.

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

We welcome the proposal to open a culverted watercourse and the consideration of a swale on site. In our statutory pre-application response, we encouraged the applicant to consider additional green infrastructure to manage surface water on site, which could also provide other benefits such as enhancing biodiversity. However, as the drainage system design is ultimately a matter for Local Authority Drainage Engineers, we advise that you should consult them with regards to the proposals and the final design.

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including any ditches).

As best practice, we would advise that the applicant/developer produces a site-specific Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP), with particular reference given to the protection of the surrounding land & water environments.

We would also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

### **Coal Authority**

In order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is, or can be made, safe and stable for the development proposed you may wish to consider the imposition of planning conditions which cover the issues set out below.

Prior to the commencement of development:

- \* The undertaking of the scheme of intrusive site investigations for shallow coal mine workings and recorded (unrecorded) mine entries, as outlined within the Desk Based Coal Mining Risk Assessment Report prepared by Terra Firma (Wales) Limited, dated August 2017 (Ref: 14346)
- \* The submission of a report of findings arising from the above intrusive site investigations, and any remedial works and/or mitigation measures considered necessary; including the calculated exclusion zones and these to be annotated within the proposed layout plan
- \* Implementation of the remedial works and/or mitigation measures.

In light of the above, the Coal Authority are satisfied that an adequate assessment of the risks to the proposed development have been carried out in accordance with the local emerging policy of the Swansea Local Development Plan 2010-2025: Deposit Plan (July 2016) RP 1: Safeguarding Public Health and Natural Resources, and Planning Policy Wales, paragraph 13.9). The Coal Authority has no objection to the proposed development, subject to the imposition of a planning condition or conditions to secure the above.

### **South Wales Police Designing Out Crime Officer**

I am pleased with the proposed development layout. The parking is within curtilage and/or overlooked for both the dwelling properties and the coffee shop. Entry onto the estate must be restricted to the designated routes.

Note: Further specific observations provided in relation to the development obtaining the Secured by Design Award.

### **Dwr Cymru Welsh Water**

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We would advise that the content of our consultation response (Ref: PPA0002583) has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning insofar as foul flows from the proposed development can be accommodated within the public sewerage system. Notwithstanding this, we remind that the proposed development site is crossed by a foul water public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to the Proposed Site Plan (Drawing No. SP532 - P01 Rev A), it appears part of the proposed development, namely 'Drive - Thru', would be situated within the protection zone of the 305mm public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that the developer contact us to discuss our concerns and consider possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.

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

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SS70973501 and SS70973602 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### **Glamorgan Gwent Archaeological Trust**

A review of the First to Fourth Edition Historic Ordnance Survey maps (1879 to 1940) indicates Heol-ddu Drift Colliery in the proposed development area. Although modern aerial photography suggests that no above-ground remains survive, there is the possibility that below-ground structures persist and may be encountered during any ground intrusion works.

As a result, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

### **Welsh Government Network Management**

I refer to your consultation of 18/01/2018 regarding the above planning application. Following review of the Transport Assessment, the Welsh Government (Transport) considers that the proposal would not have a material impact upon the M4 or its slip roads and as highway authority for the M4, does not issue a direction in respect of this application.

### **Appraisal**

This application is reported to Committee as the development exceeds the 20 dwelling threshold set out within the Council's constitution. The application was also requested to be reported to Committee by Councillor Ryland Doyle.

The development would be a mixed use scheme comprising an A3 use class drive through coffee shop (167sqm) and a residential element of 23 units comprising 8 No. 1 bed flats, 2 No. 2 bed flats, 6 No. 2 bed houses and 7 No. 3 bed houses. The residential element would provide social rented affordable units that would meet the definition of affordable housing defined within Technical Advice Note (TAN) 2: Planning and Affordable Housing.

The site is currently vacant and covered in scrub vegetation save for a parcel of woodland at the top (eastern) end of the site. Parts of the site have recently been cleared resulting in large areas of bare ground at its eastern end. The site has an irregular shape with frontages onto the M4 motorway junction 44, the B4291 and Birchgrove Road. The triangular shaped central portion of the site, which borders the rear boundaries of existing properties, is a relatively flat plateau whilst in the northern portion of the site the levels drop considerably in an east west direction to broadly follow the gradient of the B4291 down to motorway junction 44. The site is surrounded to the north and west by a highway verge which is covered in a mix of vegetation including trees, scrub and an area of Japanese knotweed in the north western corner. Heol Ddu Farm house once stood on the site but was demolished several years ago. The remains of the buildings and various hardstandings are still evident on the site.

In terms of the planning history of the site outline planning permission was granted at the site for residential development in 1998 (Planning Ref: 98/1144). This application was subsequently renewed in 2004 (Planning Ref: 2003/2400). A prior notification application for the demolition of the farm house was determined in 2010 (Planning Ref: 2010/1548).

Following officer concerns relating to the design and layout of the development, including the alignment of the watercourse, amended plans have been submitted to address officer concerns. The application has been considered on the basis of the information on the revised plans and documents.

## **Main Issues**

The main issues are considered to be the principle of a new A3 commercial use in this location, the impacts of the development in terms of the character and appearance of the area, the living conditions of neighbouring residential occupiers, highway safety, health and ecology. Other important matters include the consideration of drainage, ecology, land stability and land contamination.

As this is a major development the application has been accompanied by a Pre-application Consultation (PAC) report. This report has been carried out in accordance with statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). The issues raised by statutory consultees and local residents have been addressed within the PAC report and are considered further within this report.

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 is an allocated housing site under Policy HC1 (6), it was allocated on the basis that the site benefited from planning permission with an anticipated number of 10 units. The site is also allocated for housing in the deposit Local Development Plan for the same number of dwellings. It is noted, however, that there is now no extant planning permission on the site. On the basis that approximately one third of the site is proposed to be for a commercial use, rather than a residential use, consideration has been given as to whether the development should be considered as a departure to the extant development plan. In this respect, the purpose of the allocation is to support the provision of housing on identified sites. On the basis that the proposed development would include a residential element far in excess of the numbers identified under the current policies, it is not considered that the proposal would fundamentally conflict with the provisions of the extant development plan. In principle, therefore, the proposal would not conflict with UDP Policy HC1.

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. Developments must have regard to existing site features and existing adjacent developments and the possible impact of environmental pollution from those developments including light, air and noise pollution (see also EV40).

UDP Policies EV3, AS1, AS2, AS6 and AS10 require that new development provide satisfactory access, facilities for parking and traffic management. These policies are expanded upon and supported by the Supplementary Planning Guidance (SPG) document 'Places to Live: A Design Guide' adopted in 2014.

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.

Policy HC24 indicates that all new housing development will be required, where the level and nature of open space provision in the locality is inadequate to meet the needs of future occupiers of the development proposed together with the needs of the existing population in the locality, to make provision for areas of open space either within the site or at an appropriate location in relation to the development, or contribute towards the provision or improvement of existing off-site facilities in the locality through a commuted payment.

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 trees, hedges and woodlands. This is pertinent as there are mature trees on the site. This policy is supported by the SPG 'The Protection of Trees on Development Sites'.

With regard to foul and surface water drainage, Policies EV33 and EV35, respectively, require developments to be served by the public mains sewer and to provide satisfactory means of surface water disposal. Moreover, as there is a partially culverted watercourse running through the site, Policy EV34 is relevant which states that 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.

The site is located within an area where there are former coal mine workings, in accordance with Policy EV39 development will not be permitted in such areas unless the Council is satisfied

that proposals to make the land capable of supporting the development are adequate. In this respect the Council is guided by the advice of the Coal Authority. The former industrial uses on or near the site may also result in localised land contamination. The development must therefore be considered against Policy EV38, whereby the Council must be satisfied that measure can be taken to address any potential land contamination issues.

Turning to the retail/leisure element of the scheme, the proposal is for a drive through coffee shop. Policy EC4 states that the acceptability of all retail development proposals will be assessed against the need for the development and sets out the tests for which applications will be assessed. As well as standard tests of establishing need and demonstrating sequential suitability of the site proposed, the policy requires the developer to demonstrate the unit is in a highly accessible location and that the proposed scheme is unlikely to have any material adverse impact upon the vitality or viability of established shopping centres. These policy criteria are broadly replicated under Policy HC18 which refers to the provision of new leisure facilities.

In terms of the need for the facility, it is evident from letters of objection that local residents dispute the need for such a facility in this location. In this respect little information has been provided to quantify the need for the facility. Its location on a motorway junction does indicate that it could provide a facility to those travelling on the motorway in search of a break and refreshment with the nearest similar facilities on the motorway being located off the Penlleger junction or the Llandarcy Junction. The facility could also be used by commuters from Birchgrove and the surrounding areas travelling to and from work. Moreover, whilst there is a small supermarket within Birchgrove there is no shopping centre and the pubs and existing takeaways are located at the northern end of the settlement. As such the site could also potentially serve as a leisure destination for the locality, as there is no similar facility within the immediate locality, with the nearest similar facility being located within the Swansea Enterprise Park some 2.5km from Birchgrove. There is, therefore, some evidence to suggest a qualitative need for the proposal and this is supported by the fact that there is commercial interest in developing the site by a national chain. On balance, whilst the need for the facility has not been robustly demonstrated, neither is there considered to be sufficient grounds to refuse the application for this reason.

Clearly the site is within an out of centre location; that is, it is not located within the city centre, district centre or local centre. The nearest established shopping centre to the site would be Trallwn Road some 1km from the site (as the crow flies) with Morriston the nearest district centre some 3km from the site (as the crow flies). It is accepted that the very nature of the facility would not lend itself to a city centre location, given the land take required, moreover there is an existing 'Costa coffee' (who are the potential occupiers) drive through facility within Parc Tawe and a Starbucks drive thru along Fabian Way. The majority of Morriston district centre is densely built up and located within a conservation area. There are no sites available either within the centre or the edge of centre that could accommodate the proposed use. The same can be said of Trallwn local centre where there are no available sites. It is therefore considered that there are no more sequentially preferable sites that could accommodate the proposed drive through

In terms of the impact of the development upon established shopping centres, in view of the relatively small floor space of the proposed building and that it is likely to serve travelling customers as well as those within the immediate locality, it is not considered that the proposal either singularly or cumulatively, would undermine the vitality and viability of established shopping centres.

The design, access and highway safety aspects of the proposal, which are also covered within the criteria of Policy EC4 and HC18, will be considered below against the specific UDP policies relevant to these matters. In principle, however, in terms need and the sequential test, it is considered that the proposal would not conflict with the requirements of Policies EC4 and HC18, which seek to ensure that proposals would undermine the established retail and leisure hierarchy within the city.

## **Visual Amenity**

Turning firstly to the commercial element, this would be located in the far western end of the site closest to the roundabout junction and would comprise the provision of a new single storey building. Like other similar buildings recently erected in the city, the design would be modern with large areas of glazing and feature timber panelling. The building would measure approximately of 17.5m in width, 14m in depth and would achieve a height of 5.9m above the proposed ground level to the top of the signage board. The street scene elevation submitted within the proposals show that the slab of the building would be elevated above existing ground levels where there is currently a dip in the site where standing water currently collects. The access route snakes around the proposed parking areas past the proposed entrance to the building and around to the drive through area back to the shared access and egress road. There is an existing highway verge on the northern and western side of the drive thru building which will be retained, save for where the new access is being created. Much of the existing tree and scrub vegetation on the motorway junction elevation will be removed to facilitate the watercourse diversion within the highway verge. There is, however, land within the commercial area which is indicated to be landscaped including the planting of trees and the retention of one large sycamore.

Concerns have been raised by local residents regarding the appropriateness of a commercial building on the site, given surrounding residential context. These concerns are noted, however, the nearest existing residential properties to the commercial building are the properties on Dan Y Coed Road to the north. These properties do not form part of the immediate street scene, being separated from the B4291 by a high brick wall and an established line of trees. The residential properties to the south fronting onto Peniel Green Road would be visually separated from the site by lock up garages and landscaping. These properties clearly front onto Peniel Green Road whereas the proposed building will front onto the B4291 and the roundabout junction. It is noted there are residential properties that front onto the roundabout junction, however, these are located some 85m away on the opposite side of the motorway. It is therefore considered given the distances and spatial relationships to surrounding residential properties, and the overall character of the motorway junction and the B4291, which are not inherently residential in character, that the proposed development would not conflict with the prevailing mixed context, which is that of a motorway junction and a B-road with no residential properties fronting onto it.

In relation to the proposed residential properties, there will be a clear distinction, in visual terms, between the residential element of the development and the commercial element, which will be separated by a suitable means of enclosure and landscaping which will serve to define, screen and separate the respective uses. Overall, therefore it is not considered, in visual terms, that the proposed A3 use would have a significant detrimental impact upon the character or appearance of the area.

In terms of the proposed residential element, the scheme would provide 23 units arranged in terraces of three, semi-detached pairs, a single detached dwelling and two blocks of flats. All buildings would be two storey in scale. Following pre-application discussions, the development has incorporated frontage development onto the B4291. This will provide natural surveillance along this route and the provision of a 3m wide pedestrian/cycle link in front of the dwellings will encourage sustainable travel choices within and around the site. The parcel of land in the far eastern corner of the site will be retained as a woodland area.

The street structure comprises a dog leg shaped access road terminating at a turning area with access drives off the hammerheads serving two courtyard style developments. The provision of frontage development onto the B4291 has resulted in some prominent rear boundaries within the street scene, however, these are indicated to be 1.8m walls which, subject to the submission of further details, should provide robust boundaries to the street and are indicated to be softened by landscaping. Prominent corners within the site have been treated with housing units with dual aspects frontages which provide natural surveillance and visual interest throughout the development. Parking areas have, where possible, been located to the sides of dwellings and frontage parking would be broken up with landscaping. Where courtyard parking areas are provided these are well overlooked by the blocks of flats.

Two blocks of flats are proposed within the development within the southern portion of the site. Block 1 is a long elongated block with its entrance adjacent to the side gable of plot 13, whereas block 2 is a larger T-shaped block with a two storey projection from the main rear elevation and an amenity area to the rear. The access drive for the flats is located adjacent to the rear boundaries of properties on Peniel Green Road. The blocks are arranged around a central parking court which is well overlooked by habitable windows within the blocks.

Concerns have been raised that the design of the development is not in keeping with the character and appearance of the area, these concerns in relation to the commercial element have been discussed above. In relation to the residential element, there is currently no residential street scene to speak of along the B4291, other than glimpses of the rear elevations of properties on Dan Y Coed and their rear boundaries. The proposals will retain the woodland area in the north eastern corner of the site and a green frontage onto the B4291 will be maintained through the retention of the modified highway verge. The site has been vacant for a number of years, it is overgrown and currently adds very little to the character or appearance of the area. In contrast, the proposal will create a residential street scene, which, it is considered, will improve the appearance of the area. The house types follow a simple modern design characterised by duo pitched roofs and vertical window. The house types and blocks incorporate feature canopies and provide balanced elevations to the street scene. In view of the mix of scales, designs and materials displayed in the residential properties in the streets around the development site, and in the absence of any established street scene on the B4291, it is considered the layout and design approach to the development is satisfactory. Moreover, the development would not appear overly cramped, as has been suggested in letters of objection. The Council's urban design officer has made a number of suggestions to refine and improve the proposals and, where possible, these have been incorporated into the design. The South Wales Police Designing Out Crime Officer has reviewed the proposals and, whilst making specific comments in relation to achieving the secure by design standard, has offered no objection to the proposals. The final choice of materials for the development and the type of boundary treatments will be secured by conditions.

In relation to the loss of trees at the site none of the trees present on the proposed site are protected by TPOs. The submitted arboricultural impact assessment shows the trees that will

be removed to facilitate the development. The Council's tree officer has offered no objection to these removals if suitable mitigation is offered. It is noted that 50% of individual category B trees will be removed and half of G2, category B, will be removed. Their removal will require compensatory planting and those proposed to be retained will require specialist tree protection measure. These matters can be dealt with by a planning condition.

Overall, therefore, it is considered that the design of the development would be acceptable and would be appropriate to the surrounding context. The development would therefore accord with UDP Policies EV1, EV2, EV30, HC2 and the supplementary planning guidance 'Places to Live: A Design Guide'.

### **Residential Amenity**

The introduction of an A3 drive through operating between 5:00am and 11:00pm as proposed clearly has the potential to result in noise disturbance to neighbouring properties from vehicle movements, plant/equipment and comings and goings. In order to assess the impacts upon both existing and proposed residential properties a Noise Impact Assessment has been submitted by the applicant. This assessment takes into account the existing noise environment which is dominated by road traffic from the M4 and the B4291.

The assessment compares the predicted internal noise levels at the noise sensitive existing and proposed residential dwellings against the British Standard (BS 8233:2014) criteria for internal noise levels. The assessment demonstrates that the predicted internal noise levels from the drive through would be 'easily' within the British Standard criteria at proposed and existing residential properties with windows partially open for ventilation. On this basis the assessment states that the noise impact from the development would be low and acceptable against the British Standard. In the absence of any information to the contrary, and following the comments from the Council's Pollution Control officer who has offered no objection to the application, it is not considered the proposed drive through would result in any significant adverse noise impacts upon existing or proposed residential properties.

Concerns have also been raised in letters of objection regarding anti-social behaviour arising from the development and the potential disturbance this could have upon neighbouring residential properties. In response to this concern, the behaviour of the patrons of such premises is clearly beyond planning controls. Any anti-social behaviour, including littering, would more appropriately be dealt with by good management of the premises and through appropriate law enforcement, where necessary. There is insufficient justification, therefore, to refuse planning permission for this reason.

In terms of the overall noise environment for the future occupiers of the development, following monitoring, the noise assessment indicates that the site is within Noise Exposure Categories (NECs) B and C of Technical Advice Note (TAN) 11: Noise. NEC B states that 'noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection. NEC C states that 'planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise'.

Reference to the noise assessment shows that only plots 1, 7, 8 and 9 fall within NEC C, whereas the remainder of the plots are within NEC B. It will be necessary to provide noise mitigation measures on all parts of the site that fall into NEC C and NEC B. For the plots within

NEC B this will comprise of conventional wall and roof construction with specific double glazing, window construction and vents. Those plots within NEC C will, however, require specific mechanical ventilation. Whilst this scenario is not ideal for the living conditions of the future occupiers, this scenario has come about by the requirement to have a meaningful street frontage with active overlooking and habitable windows facing onto the B4291, which is necessary in street scene terms. As this arrangement will affect only four properties within the development and when weighing up the positive benefits of having an active street frontage onto the B4291, this relationship is considered to be acceptable.

Overall therefore, having regard to existing noise levels and the potential noise and disturbance arising from the proposed drive through, on balance, the development is considered to be acceptable and, in this respect, would accord with UDP Policies EV1, EV2 and EV40.

In terms of the physical impacts of the development on the living conditions of the existing occupiers, the drive thru would be single storey only and whilst it may be visible from neighbouring properties to the north on Dan Y Coed, which are sited at a higher land level, the drive thru building would not be so close to these properties as to result in any physical overbearing, overshadowing or overlooking impacts.

The proposed dwelling on plot 6 would be sited some 4m from the rear corner boundary of No. 357 Peniel Green Road. The proposed dwelling would be orientated away from the rear garden and would not therefore result in any significant overlooking of this property. Moreover, as the rear garden is over 40m in length, there would be no significant overbearing or overshadowing impacts upon the occupiers of No. 357.

The south west elevation of block 1, which contains bedroom windows, would be sited some 10.5 m from the rear boundaries of properties on Peniel Green Road. This separation distance, together with a back to back separation distance of some 60m between existing and proposed building faces, would ensure that there would be no significant overbearing, overshadowing or overlooking impacts upon the occupiers of existing properties on Peniel Green Road from block 1.

The windowless side gable of block 2 would be sited approximately 1.5m from the rear boundary of No. 377 and 379 with the gable being sited mainly to the rear of No. 379. The existing dwellings on Peniel Green Road are sited at a lower land level than the application site, moreover, the proposed plans and sections indicate the side gable of this block would be built up above a 1m retaining wall resulting in the overall ridge height of the building being some 9.5m above the existing levels at the rear boundary of No. 379. The levels of the gardens on Peniel Green Road rise up towards the application site and it is estimated that the levels at the rear boundary are some 2.5 - 3m above the ground floor level of the existing dwellings. The 'Residential Design Guide' SPG states that a 15m minimum distance should be achieved between existing windowed elevations and opposing proposed windowless walls, however, where there is a change in levels this separation distance should be increased by 2m for every 1m increase in land levels. It is estimated that the ground floor level of block 2 would be approximately 4m above the ground floor level of No. 379. Based on this estimate a back to side separation distance of some 23 metres would be required in order to comply with the SPG. In this case a separation distance of some 27m would be maintained, which is considered to be acceptable and would ensure there would be no significant overbearing impacts upon the occupiers of No. 379 Peniel Green Road or the existing dwellings either side of this property (No. 377 and No. 381). Block 2 is located to the north east of the gardens of the dwellings on Peniel Green Road as such there would be no significant overshadowing impacts to the

occupiers of existing properties. There are bathroom windows in the south west facing elevation of the rear projection of block 2, it is therefore recommended that these windows are conditioned to be fixed with obscure glazing to prevent any significant overlooking of properties on Peniel Green Road.

On its eastern side the corner of block 2 would be sited some 2m from the rear boundary of No. 71 Birchgrove Road. Block 2 would be set down below the adjacent garden levels of neighbouring properties and a retaining wall of between 0.5 and 2m is indicated along the rear boundaries of the properties on Birchgrove Road. At its closest the eastern corner of block 2 would be sited some 26.5m from the rear extension of No. 71 and approximately 28m from the rear of No. 73. This separation distance is considered to be sufficient to ensure there would be no significant overbearing impacts upon the occupiers of adjacent properties on Birchgrove Road. Whilst there will be some overshadowing of these gardens, this would not be significant, and would only impact on the rear portion of the gardens in the afternoon and evenings. In terms of potential overlooking impacts, there are habitable windows, including a French door with a flush fitting balustrade, in the rear elevations of Block 2 which will afford some views towards the rear boundaries and gardens of No. 69 and 71, however, the limited angle of view and separation distance to the rear boundary taking a direct line of sight from the proposed window is considered to provide sufficient mitigation to ensure that there would be no significant loss of privacy to the occupiers of these properties. Moreover the semi-mature trees along the rear boundary will provide some screening between the site and the proposed development and these trees are indicated to be retained within the tree survey.

In terms of the living conditions of the future occupiers of the development the dwellings are designed to provide satisfactory levels of outlook and ventilation to habitable rooms. The private garden areas for the dwellings broadly accord with the design guide SPG which states that private amenity space serving new dwellings should be no smaller than the footprint of the dwellings they serve. There will be overshadowing of plot 6 from a group of trees on/near to the southern boundary of this plot, the cutting back of the trees to the site boundary, as indicated on the tree survey, will improve this relationship and the impacts would be mitigated by the design of the dwelling which has large areas of glazing in the rear elevation. This impact, it is considered, would not be so significant as to refuse planning permission for this reason alone.

Overall, therefore, it is considered the proposed development would not result in any significant impacts upon the living conditions of neighbouring occupiers. The development would therefore accord with UDP Policies EV1, EV2 and the Residential Design Guide SPG.

## **Air Quality**

The application has been accompanied by an air quality assessment to assess the impacts of traffic emissions from the drive through restaurant and local roads on air quality in relation to the future residents and existing residents. The assessment has been made using data held by the local planning authority and information gathered by the Department of Environment Food and Rural Affairs (DEFRA). The assessment has used road traffic data produced by the applicant's transport consultants.

There is no official guidance in the UK in relation to the assessment of traffic/air quality impacts of developments. The approach developed jointly by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) (Moorcroft and Barrowcliffe et al, 2017) has therefore been used. The overall assessment of significance, however, is determined using professional judgement.

Concentrations of nitrogen dioxide, PM10 and PM2.5 have been predicted at a number of locations within the proposed development. Receptor were chosen to represent worst case exposure within these locations, being located on the facades of the proposed dwellings closest to the access road to the drive through restaurant. Concentrations were also modelled at the diffusion tube monitoring site located on Peniel Green Road, on the opposite side of the roundabout junction, in order to verify the model outputs. The report acknowledges that concentrations at the monitoring location are likely to be lower than at the application site, due to the proximity of the roundabout and M4 motorway.

The Government has established a set of air quality standards and objectives to protect human health. The 'standards' are set as concentrations below which effects are unlikely even in sensitive population groups, or below which risks to public health would be exceedingly small. They are based purely upon the scientific and medical evidence of the effects of an individual pollutant. The 'objectives' set out the extent to which the Government expects the standards to be achieved by a certain date. They take account of economic efficiency, practicability, technical feasibility and timescale. The objectives for use by local authorities are prescribed within the Air Quality (Wales) Regulations 2000 (2000) and the Air Quality (Wales) (Amendment) Regulations 2002 (2002).

The site is not within an Air Quality Management Area (AQMA). In terms of estimated background concentrations at the site, using DEFRA's 2017 background maps, the concentrations of Nitrogen Dioxide, PM10 and PM2.5 are described in the report as being 'well below the objectives'.

The expected traffic generation for the proposed development, as indicated within the applicant's transport assessment, is below the methodology screening criteria as such no detailed assessment of road traffic impacts have been undertaken at existing receptors.

In terms of impacts on the future residents from the drive through and existing sources, all values for nitrogen dioxide and particulates at the receptor sites are below the objectives, therefore air quality for future residents would be acceptable and the operational air quality effects without mitigation are judged within the air quality assessment to be 'not significant'.

The Council's Pollution Control officer has assessed the findings of the report and does not object to the proposal on air quality grounds. On this basis it is considered that the proposed development would not result in any significant air quality impacts upon existing or future residents. The proposal would not, therefore, conflict with UDP Policies EV2 or EV40.

### **Access and Highway Safety**

The site is proposed to be accessed from the B4291 link road, which runs between junction 44 of the M4 and Birchgrove Road. The existing highway is 8m wide, it is lit with footways along either side, and is subject to a 30mph speed limit. There are bus stops on the link road, which are well served by a number of existing services.

The existing access to the site is to be removed and replaced with two separate priority junctions, the Western side (closest to the M4) for the coffee shop, and the Eastern side (closest to Birchgrove) for the residential use.



The application has been supported by Transport Assessment prepared to study the impact of the development on the surrounding highway network, together with a Stage 1 Road Safety Audit (RSA).

In terms of trip generation the assessment has been undertaken using the TRICS database. This is a nationally accepted database, which provides an estimate of the number of generated person movements via all modes.

The coffee shop element is predicted to generate 39 vehicle movements in the AM peak hour and 30 during the PM peak. Generally trips associated with coffee shop or fast food uses are already present on the network during the peak hours, these are considered 'linked' or 'passby' trips where the trip will be linked with another, or a customer uses the drive through whilst passing the site. The analysis has assumed that 20% of the trips are new, and the highways officer considers this provides a robust analysis.

The TRICS database predicts 102 total daily movements associated with the residential use, with a maximum of 10 vehicle trips during the AM peak hour and 10 in the PM peak. The highways officer considers this is consistent with what would be expected of a development of this scale.

Base flows were surveyed in June 2017, and these were factored up using the National Trip end Model to provide 2019 (year of opening) flows and 2029 year of opening plus 10 years, background growth. The proposed development generated traffic is added, and the effect over the base flows assessed.

The predicted worst case impact is an approximate 2% increase over the base plus background flows on Birchgrove Road South and Heol Tyllaun. It should be noted that average daily fluctuations on any road are approximately +/- 5%. As such the highways officer considers the development traffic can be accommodated on the surrounding highway with the additional traffic amounting to one car every 90 seconds during the peak hour. This, it is considered, will have no material impact on the operation of the surrounding road network.

Capacity analysis has also been undertaken at the two access junctions, this was undertaken using industry standard 'Picady' software, which is used to test priority junctions. The model data has been checked and is accurate. Results are presented in terms of RFC (ratio of flow to capacity) an RFC of 1 represents an approach at capacity, and Average Queue on each approach.

The worst case RFC at either access is 0.05 for the 2029 including development traffic scenario, with an average queue across the modelled hour on all legs of less than 1 vehicle. As such, the proposed access junctions will operate well within capacity.

A RSA has been prepared to support the application and this has been assessed by the Council's Traffic section. This highlighted some concerns over visibility of the new accesses. A revised outline general arrangement drawing has been provided entitled 'Proposed S278 Highway Works (Draft)', this adds traffic islands on B4291 on the approach to each of the new accesses, and extended hatching. Together with the recommendation to crown lift the existing highway trees located on the radius from junction 44 to B4291, and amendments to the triangular island at the Birchgrove Road / Heol Tyllaun traffic signals, to reduce the radius for vehicles turning left from Birchgrove Road to the B4291.

With these works undertaken, the Highways officer considers there will be improved access to the bus stops on B4291, moreover the works will assist in keeping vehicle speeds low, although speed surveys on the link road showed 85%ile speeds of 23-25mph.

In terms of the road layouts within the site the residential element is accessed via a priority junction into a 5.5m carriageway with 2m footways each side, the highway officer has advised the main roads and turning heads could be considered for adoption. Shared / private drives are not suitable for adoption. Street Lighting has not been detailed. Car parking for the residential element is provided broadly in accordance with the adopted parking standards, with a provision of 39 spaces, this is 10 less than the maximum standards. It is thought that due to the type of tenure being offered car ownership rates will be lower, Statistical Bulletin SB100/2013 shows vehicle ownership levels for social rented households are significantly lower than those for market housing. The Highways officer considers the provision to be acceptable and the proposed parking will cater for expected demand. These are not large dwellings and the site is served by frequent bus services as such maximum parking standards are not considered to be necessary in this instance.

In terms of the coffee shop, cycle and car parking has been provided in accordance with the adopted standards, the drive through has been laid out to ensure customers enter all the way into the site before accessing. This is considered to remove risk of traffic queuing onto the highway. On this basis the highways officer is satisfied with the proposed layout for the coffee shop.

In view of the foregoing, the Highways officer has offered no objection to the planning application subject to a condition to secure the highway improvement works. Other conditions are recommended to provide details of street lighting, to provide a construction method statement, and to provide details of the management and maintenance of the road. Conditions are also recommended in relation to maintaining low front boundaries and for a travel plan to be submitted and implemented.

The above requirements are considered to be reasonable and necessary in the interests of highway safety in and around the site and to promote more sustainable modes of transportation. These matters can be dealt with by conditions with the exception of the construction method statement, which can be included as an informative note.

Overall, therefore, having regard to the comments from the Highways officer, it is considered that the proposal would not have a significant detrimental impact on highway safety and would therefore be in accordance with UDP Policies EV3, AS1, AS2, AS6 and AS10.

### **Drainage**

The applicants have submitted a drainage strategy. In terms of surface water drainage the existing partially culverted watercourse is proposed to be diverted through the site via a new culvert and as an open watercourse along the northern and western boundaries within the highway verge. Surface water would be discharged to the watercourse via attenuation systems to limit the discharge rate to 9.5 litres per second. The Council's drainage officer has no objection in principle to the proposals subject to the discharge rate being secured by a condition and the provision of a detailed drainage design for the development. This additional information can be secured by a condition. It is also noted that the drainage officer has requested the removal of certain permitted development rights to ensure the integrity of the surface water management system is not compromised. Whilst in principle this condition is appropriate, it is not considered necessary to remove permitted development rights for roof alterations (Classes

B and C) as this will not result in an increase in the impermeable area. However, it is also considered expedient to remove permitted development rights for Class F (hardstandings) and this should be added to the recommended condition.

Foul water is proposed to be discharged to an existing on site public sewer. Dwr Cymru Welsh Water (DCWW) has confirmed foul flows from the proposed development can be accommodated within the public sewerage system and have recommended a condition specifying the discharge point. DCWW has noted the site is crossed by a public sewer and that part of the proposed drive-thru would be within the protection zone of the sewer. An informative note is therefore recommended to advise the applicant of this potential constraint.

Subject to conditions, therefore, it is considered the proposal would accord with UDP Policies EV33 and EV35.

### **Land Instability**

The application site is partially located within a development high risk area for former coal mine workings. The application has been accompanied by a Desk Based Coal Mining Risk Assessment Report. The Report author acknowledges that the area is known to have been heavily mined and considers that the risk to surface stability at the site from shallow unrecorded workings is low to medium.

Recommendations have therefore been made that intrusive site investigation works in the form of rotary probeholes should be carried out to quantify the risk posed from past shallow mine workings in the 'Swansea Two Foot' seam. The report also identifies the presence of the recorded mine shaft and recommends investigation works will also need to include searching for this mining feature.

In view of the requirement to undertake further investigative work and, if necessary, undertake remedial and/or mitigation measures, the Coal Authority are satisfied that, subject to the imposition of a condition requiring the above measures to be implemented, an adequate assessment of the risks posed by to the development has been undertaken and has offered no objection.

Subject to a condition, therefore, the development has had regard to potentially unstable land at the site and the development is therefore considered to be in accordance with UDP Policy EV39.

### **Land Contamination**

In view of the past mining activities on or near to the site there is a potential for land contamination. In order to address the residual risks posed by potential contamination to human health and the environment, the Council's pollution control officer has recommended a condition requiring the submission of progressively more detailed reports to assess and, where necessary, mitigate, the risks posed by potential contamination at the site. Subject to a condition to address this matter, therefore, it is considered that the development would not conflict with UDP Policy EV38.

### **Ecology**

The application site is not a nationally designated or locally designated nature conservation site. A preliminary ecological assessment has been submitted with the application and the Council's

planning ecologist considers that sufficient information has been provided to assess the ecological impact of the development.

No bat roosts were identified at the site, however, there is some potential for roosts to occur within trees that will be effected by the development. Mitigation measures have been recommended within the report and subjection to a condition for these mitigation measures to be implemented, which is considered to be reasonable given the findings of the ecological assessment, the development would not have an adverse impact upon potential bats using the site.

The planning ecologist has also recommended a condition in relation to nesting birds and the timings of clearance works. This matter can be dealt with by way of an informative note. Similarly, given the limited potential for reptiles to be present, an informative note is recommended to alert the developer to this potential constraint.

There is a small parcel of woodland which is proposed to be retained. The Council's planning ecologist is supportive of this element but has raised concerns indicating that this area would be isolated and disconnected from other features of ecological interest. This could be addressed by a suitable landscaping scheme which could go some way to offset the loss of ecological features within the site. It is also considered necessary for a condition relating to the management of the woodland and for a scheme to eradicate the Japanese knotweed at the site. Subject to the above conditions and informatives, it is not considered that the proposed development would result in any significant impacts upon the ecology of the area. The development would therefore be in accordance with UDP EV2, which requires developments to assess species and habitats within the site and implement mitigation measures, where necessary.

## **Section 106 Planning Obligations**

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, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects.

In terms of open space/play provision, of the 23 units proposed, 8 units would be one bed flats, only 15 units would therefore potentially be occupied by families with children. In view of this relatively low number, there is considered to be insufficient justification to request a financial contribution for upgrades to local play facilities, the nearest being at Parc yr Helig. The Parks Department has not requested a financial contribution in this instance.

The Education Department have requested a financial contribution of £31,116.00 plus indexation for Birchgrove Primary School to support improving the capacity of this school. According to the Council's adopted 'Planning Obligations' supplementary planning guidance the proposed development would generate an estimated number of 3 English medium pupils. Reference to the Council's capacity figures for this school shows that the current surplus capacity would reduce to 13 pupils in 2023, even when taking this into consideration, the development would not result in Birchgrove Primary School exceeding its estimated future capacity. For this reason it is not considered that a contribution request for this school is justified.

The Council's Housing officer has confirmed that 100% affordable grant funded scheme has been proposed and have requested that 30% be conditioned to remain affordable in perpetuity. UDP Policy H3 explains that the Council will seek to negotiate an appropriate element of affordable housing and this will focus on new housing developments of 25 or more dwellings or sites of 1ha or more. In this case the development would be under the unit threshold and the residential element would be below the 1ha threshold, as such there it is not necessary for the applicant to enter into a S106 to secure a minimum percentage of affordable housing on the site. It should be noted that an element of control for the affordable housing would be available through the grant funding.

## **Other Matters**

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the impact of the development on the character and appearance of the area, the impact on the residential amenities of existing occupiers, noise, air quality, drainage, the appropriateness/need for a coffee shop, parking and highway safety issues.

Concerns have been raised in letters of objection regarding the potential impact of the development on property values in the area. This is not considered to be a material planning matter and is accordingly afforded little weight in the consideration of this application

Concerns have been raised that affordable housing would not be appropriate within this area. National planning guidance emphasise the importance of sustainable mixed communities and the provision of affordable housing on this site is considered to be entirely appropriate and would be in keeping with the community of Birchgrove. This concerns is accordingly afforded little weight.

Concerns have been raised that the development may impede Welsh Government plans to improve junction 44. Welsh Government network management has raised no objection to the application and consider that the proposal would not have a material impact upon the M4 or its slip roads.

Concerns have been raised that future developments in Birchgrove have not been factored into the traffic analysis within the submission. This application has been considered on the current and predicted traffic movements at the site and the development has been found to be acceptable in this respect. Clearly any new developments in and around Birchgrove which require planning permission will need to demonstrate, where necessary, that they would not have a significant impact upon highway safety in the area.

Concerns have been raised that the proposal will cut off residents of upper Peniel Green Road from the village of Birchgrove. Little weight is given to this concern on the grounds that the M4 junction is already a significant physical barrier between the communities either side of the motorway on Peniel Green Road. The proposal, it is considered, would not materially change this existing situation.

Concerns have been raised that infrastructure and services within Birchgrove are already overstretched and this development would make matters worse. In response to this concern it was not considered necessary or justified in this instance to require a financial contribution for improvements to existing parks or local education provision. Highway improvements are proposed to mitigate the impact of the development as discussed above.

Concerns have been raised regarding the security of the boundaries at the site. In order to ensure the development is suitably enclosed a condition is recommended to address this matter.

Concerns have been raised relating to the access to the existing garages in the southern portion of the site. In response to these concerns reference to the proposed drawings show no alterations to the access to these garages off Peniel Green Road. This area is highly unlikely to be used as a stop off for delivery vehicles in association with the development, as suggested in a letter of objection, as adequate access is provided within the site itself. This concern is accordingly afforded little weight.

Concerns have been raised that the products sold at a drive through would not be healthy for school children. Whilst this may or may not be the case, in view of the distance from the site to local schools (the nearest being Birchgrove Primary some 750m away) it is not considered that the site would be frequented by large numbers of school children. In any event such premises often provide a range of more healthy food and drink options. This concern is therefore afforded little weight.

Concerns have been raised that the development may increase the instances of illegally/dangerously parked cars on Peniel Green Road and the surrounding roads. As there is adequate parking provision being provided within the development, this concern is afforded little weight.

Concerns have been raised that the proposal is a motorway service station by stealth. In response to this concern, the proposal is for a drive through coffee shop and a residential development. A motorway service station would constitute an entirely different form of development and would fall within a different use class. Whilst the coffee shop may attract motorway traffic this would not be significant.

Concerns have been raised that the submission drawings do not provide sufficient information to consider the proposals. In response to this concern the submission drawings have been supplied to a recognised scale and the highways officer is satisfied that the drawings and supporting documents provide sufficient information to confirm that the internal road layout and highways layout are satisfactory. This concern is therefore afforded little weight.

Concerns have been raised that the applicant does not own the entire application site and that part of the site is owned by a neighbour. Reference to the application forms shows that certificate B has been signed and the applicant's agent has confirmed that the correct notice has been served on the land owners.

Concerns have been raised that the bus stops on the B4291 may be moved to facilitate the development. This is not a planning matter and is therefore afforded little weight in the determination of this planning application. However, it is considered unlikely that the bus stops would need to be moved to accommodate the proposals on the basis that the highway safety risk of retaining them in their current position would be low.

Finally concerns have been raised that the proposals would eradicate the heritage of the village. As explained above, it is not considered that the proposal would have a significant impact upon the character and appearance of the area. The land has been allocated for housing for some 10

years as such the principle of development on this site is well established. For these reasons this concern is afforded little weight.

## **Conclusion**

The proposal would develop a long standing housing allocation on a brown field site for affordable housing and, if developed, would more than double the number of residential units on the site specified within the housing allocation, whilst also providing a leisure/retail use that may be used by the community and commuters/visitors to the area. The development is considered to provide an appropriate design response in an area of mixed character that would have an acceptable impact on the character and appearance of the area. Moreover, the development would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. Matters relating to noise, air quality, ecology, land stability, land contamination and drainage have been given full consideration and, subject to conditions the development is considered to be acceptable in all respects. Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act. For the above reasons, the proposal is considered to be in accordance with UDP policies and SPG and is accordingly recommended for approval.

## **Recommendation:**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: SP532 - P02 (Proposed House Type A Plans), SP532 - P03 (Proposed House Type A Elevations), SP532 - P04 (Proposed House Type B Plans), SP532 - P05 (Proposed House Type B Elevations), SP532 - P06 (Proposed House Type C Plans), SP532 - P07 (Proposed House Type C Elevations), SP532 - P13 (Proposed Drive-Thru Unit Plans + Elevations), received 15th December 2017. SP532 - P12 (Proposed Street Elevations), received 26th January 2018. SP532 - P09 A (Proposed Flats (Block 1) Elevations), received 8th March. SP532 - P08 REV A (Proposed Flats Block 1 Plans), SP532 - P15 (Proposed Site Sections), SP532 - P10 A (Proposed Flats (Block 2) Elevations), SP532 - P11 A (Proposed Flats (Block 2) Elevations) received 14th March 2018. Figure 7 (Proposed S278 Highway Works (Draft)), received 11th April 2018. SP532 - P100 B (Site Location Plan), SP532 - P00 B (Existing Site Plan), SP532 - P01 E (Propose Site Plan), C-SK02 G (Access Road Long Section), received 16th April 2018  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, the following must have taken place to address the risk posed to the development from former coal mining features:

- a) A scheme for intrusive site investigations shall be undertaken for shallow coal mine workings and recorded (unrecorded) mine entries, as outlined within the Desk Based Coal Mining Risk Assessment Report prepared by Terra Firma (Wales) Limited, dated August 2017 (Ref: 14346)
- b) The findings of the investigation shall be reported to the Local Planning Authority for approval.
- c) A scheme of remedial works, where identified as necessary under b), shall be submitted to the Local Planning Authority for approval.
- d) The implementation of the works identified within c) and the submission of a validation report to the Local Planning Authority for approval to confirm the works, as approved, have been undertaken.

Reason: To ensure the site can be made safe and stable for the proposed development.

- 4 Notwithstanding the details hereby approved, no superstructure works shall commence within the commercial part of the development hereby approved until details and/or samples of the materials to be used within construction of the external surfaces of the commercial development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 5 No development shall take place until a detailed scheme for the eradication of Japanese Knotweed, including timescales, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timescales.

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

- 6 Notwithstanding the details hereby approved, no superstructure works shall commence within the residential part of the development hereby approved until details and/or samples of the materials to be used within construction of the external surfaces of the residential development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 7 No development or further site clearance shall take place within the commercial part of the development until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the commercial part of the development. The scheme shall include indications of all existing trees (including spread and species, exact location and diameter of tree boles) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the commencement of the use or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed



or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The approved tree protection measures shall be implemented during the construction phase of the development.

Reason: To ensure the site is adequately landscaped and to ensure that reasonable measures are taken to safeguard existing trees and hedges

- 8 A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas within the commercial part of the development, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the commercial unit. The landscape management plan shall be carried out as approved for the lifetime of the development.

Reason: In the interest of protecting visual amenity and the qualities of the area.

- 9 No development or further site clearance shall take place within the residential part of the development until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the residential part of the development. The scheme shall include indications of all existing trees (including spread and species, exact location and diameter of tree boles) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The approved tree protection measures shall be implemented during the construction phase of the development.

Reason: To ensure the site is adequately landscaped and to ensure that reasonable measures are taken to safeguard existing trees and hedges

- 10 A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas within the residential part of the development, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any dwelling hereby approved. The landscape management plan shall be carried out as approved for the lifetime of the development.

Reason: In the interest of protecting visual amenity and the qualities of the area.

- 11 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 and management/maintenance/adoption details. The development shall not be brought into beneficial use until the works have been completed in

accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

12 The development shall not discharge to the watercourse network at any rate greater than 9.5l/s as stated in Section 4.5 of the Drainage Strategy Report C0959 dated 25/09/2017.

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

13 The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- o a list of potential receptors
- o an assessment of the extent of the contamination
- o an assessment of the potential risks
- o an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually. The provision of Phase 2 (detailed investigation) and Phase 3 (remediation option appraisal and verification/validation) reports will be required only where the contents of the previous report indicate to the local planning authority that the next phase of investigation/ remediation is required.

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

14 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. The final report shall be submitted to the local planning authority within 3 months of the completion of the fieldwork.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

15 Prior to the beneficial use commencing the applicant shall submit confirmation to the local planning authority, to ensure that the plant noise rating level, L<sub>Ar,Tr</sub>, including any character correction shall not exceed background sound pressure level (LA<sub>90</sub>) in the following time periods: 07:00 - 19:00, 19:00 - 23:00 and 23:00 - 07:00.

Reason: To ensure a satisfactory noise environment for existing and future residents.

16 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SS70973501 and SS70973602. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 17 The scheme shall be implemented in accordance with the mitigation measures described in Section 7 of the submitted document entitled 'Bat Roost Assessment, Trees and Building' produced by Hawkswood Ecology dated December 2017. The mitigation measures shall be retained thereafter.  
Reason: In the interest of protecting species listed under Schedule 2 and 4 of the Conservation (Natural Habitats) Regulation 1994.
- 18 The noise mitigation measures in relation to external wall construction, roof construction, window construction and ventilation as detailed within sections 5.3-5.7 of the 'Noise Impact Assessment' produced by Acoustic Consultants Ltd shall be fully implemented within the construction of the development and shall thereafter be retained for the lifetime of the development.  
Reason: In the interests of ensuring a satisfactory noise environment for the future residents.
- 19 Prior to any superstructure works commencing on the commercial part of the development, the positions, height, design, materials and type of boundary treatment to be erected within and around the commercial development shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved before the commercial unit is occupied and shall thereafter be retained as such for the lifetime of the development.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 20 Prior to any superstructure works commencing on the residential part of the development, the positions, height, design, materials and type of boundary treatment to be erected within and around the residential development shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved before any residential unit is occupied and shall thereafter be retained as such for the lifetime of the development.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 21 Prior to works being commenced on site, full details of a scheme of proposed highways improvements works as illustrated in draft form on Drawing No. 'Figure 7 Rev A' shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to any part of the development hereby approved being brought into beneficial use.  
Reason: In the interest of highway safety, to minimize the impact of the development of the free-flow of traffic and to provide safe vehicle and pedestrian access to the site.
- 22 Prior to the occupation of any dwelling hereby approved a scheme for street lighting within the residential element of the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be constructed and operational prior to the occupation of any dwelling hereby approved.  
Reason: In the interests of pedestrian and highway safety.

- 23 Prior to the occupation of any dwelling hereby approved and prior to the operation of the commercial unit a travel plan or plans covering the respective elements of the development shall have been submitted to and approved in writing by the local planning authority. The travel plan shall be implemented in accordance with the approved details.  
Reason: In order to promote more sustainable modes of transportation to and from the development.
- 24 All windows in the south west elevation of Block 2 shall be fitted with obscure glazing and shall be non-opening unless any part of the window which can be opened is, when measures at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the dwellinghouse directly below that point and shall be permanently retained as such for the lifetime of the development.  
Reason: To prevent any significant overlooking and loss of privacy to neighbouring properties.
- 24 Notwithstanding the provisions of Schedule 1, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or amending that order) no boundary wall shall be constructed forward of the principle elevation of the dwellings hereby approved unless otherwise approved under condition 15.  
Reason: In the interests of visual amenity
- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or amending that order), Classes A, D, E and F of Schedule 2, Part 1 shall not apply.  
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.
- 26 Customers and delivery vehicles are not permitted on the commercial unit outside the hours of 05:00am to 11:00pm on any day.  
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 27 No superstructure works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed residential streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety.

## **Informatives**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS1, AS2, AS6, AS10, EC4, EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV38, EV39, EV40, HC3, HC17, HC18 and HC24.
- 2 Management and Maintenance of Estate Streets - The applicant is advised that to discharge this condition, that the local planning authority requires a copy of a completed

agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

3 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Principal Engineer (Network Management), e-mails to [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) , tel. no. 01792 636091

4 Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height.

Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

5 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared. This is to ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

6 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (0300 065 3000).

7 The drive through element would be situated within the protection zone of the 305mm public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and DCWW request that the developer contact them to discuss our concerns and consider possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.

8 The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.

9 As best practice, the applicant/developer is advised to produce a site-specific Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP), with particular reference given to the protection of the surrounding land & water environments.

It is also recommended that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

