

ITEM 1

APPLICATION NO:

2016/1046

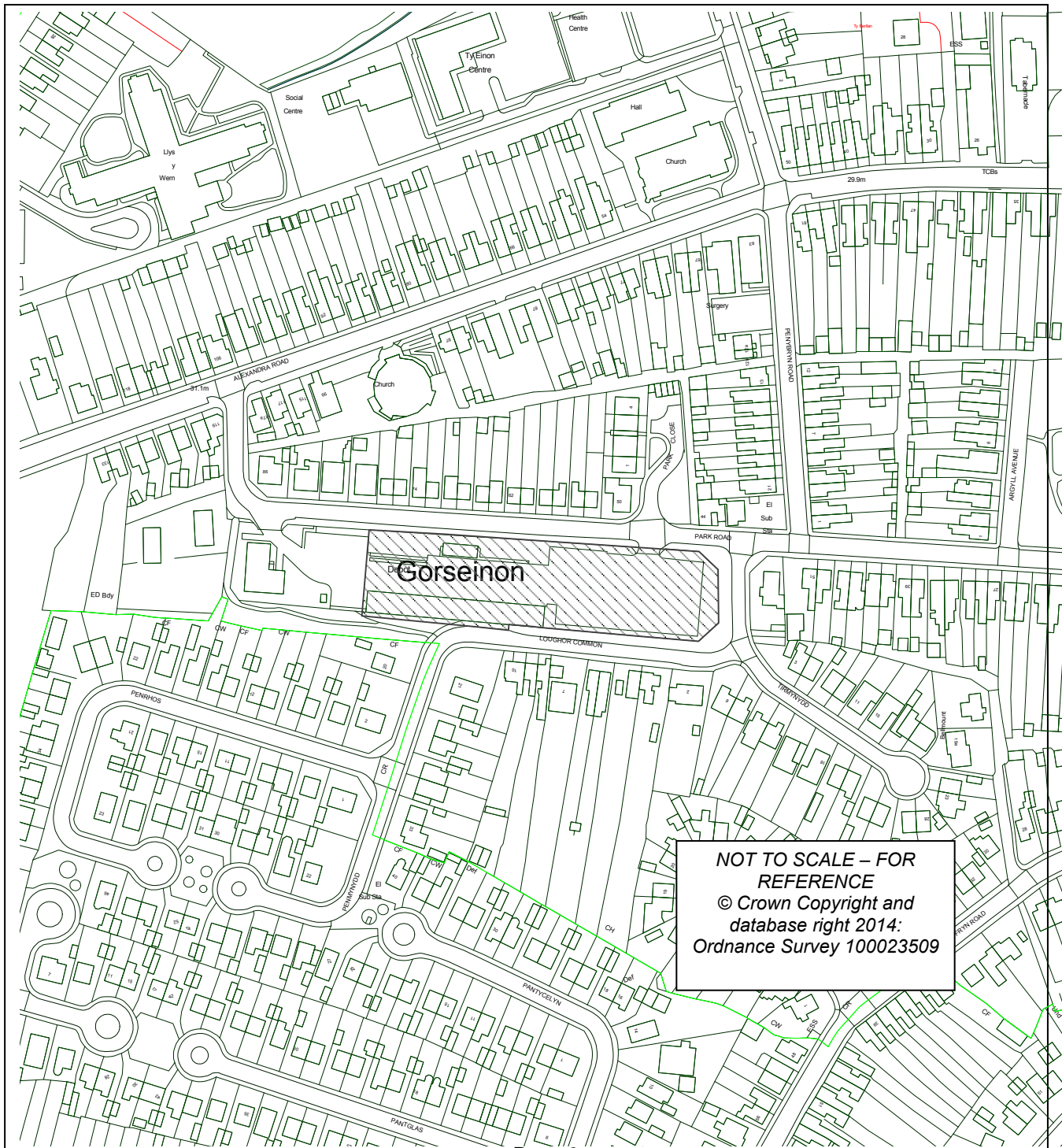
WARD:

Gorseinon - Area 1

**Location:** Land At Ta Centre, Park Road, Gorseinon, Swansea, SA4 4 Up

**Proposal:** Demolition of existing buildings and construction of a residential development for 37 dwellings comprising of 30 x one bedroomed flats, 6 x two bedroomed flats and one detached bungalow with associated access and landscaping works

**Applicant:** Coastal Housing Group



**BACKGROUND INFORMATION**

**POLICIES**

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 - 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 - 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 - EV1 - Design

New development shall accord with a defined set of criteria of good design. (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 - 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 - 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)

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### 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 - 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 - 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)

## SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1046	Demolition of existing buildings and construction of a residential development for 37 dwellings comprising of 30 x one bedroomed flats, 6 x two bedroomed flats and one detached bungalow with associated access and landscaping works	PDE	
2016/0101	PRE APP SCREENING OPINION Residential development for 37 dwellings	PREINI	02.03.2016
2015/2530	(Pre-application) Residential development for 37 dwellings	PREP OS	27.01.2016

This application is reported to Committee for decision as the development meets the Development Threshold set out in the Council's Constitution.

## RESPONSE TO CONSULTATION

The development was advertised on site and the application was also advertised in the Press on the 13th June 2016.

THIRTY LETTERS OF OBJECTION were received and the comments are summarised below:

Traffic and Highways:

- \* Additional traffic and roadside parking would cause significant traffic problems and therefore be a safety hazard for motorists and pedestrians;
- \* Access off Loughor Common is dangerous as it is near to a blind corner which has seen previous accidents;
- \* Insufficient parking for number of units proposed;
- \* The two access roads will be used as short cuts by residents of Penrhos, Penmynydd & Loughor Common to & from Park Road – potential for accidents and nuisance to residents in the proposed development;
- \* Park Road and Loughor Common are too narrow for cars to pass each other.
- \* There has never been access onto Loughor Common from the TA Centre site;
- \* Pedestrian access from the proposed development into Loughor Common is unnecessary as this can already be achieved via Tirmynydd to the east and the public footpath to the west off Park Road. Allowing pedestrian access onto Loughor Common may encourage an increase in criminal or anti-social behaviour;
- \* The three churches in the Park Road area cause a parking problem and these new houses would exacerbate this;
- \* Concerns over how delivery lorries and service vehicles would access the site

Residential Amenity/ Visual Impact:

- \* Development is out of keeping with the properties of the area which are mainly privately owned one and two storey dwellings;
- \* Proposed buildings would overlook properties of Park Road, Penrhos and Loughor Common leading to loss of privacy and light;
- \* High density development out of keeping with the surrounding low density suburban residential owner-occupier homes;
- \* Building flats would blemish what is currently an established residential area;
- \* The TA Centre caused no nuisance to local residents;

Other issues:

- \* The consultation was not robust enough. Residents of Kingsbridge Ward adjacent to the site were not contacted and Loughor Common is the only vehicular access route for our estate;
- \* Argyle Gardens has a history of anti-social behaviour and this development could potentially increase this;
- \* Development would lead to depreciation in the value of existing homes;
- \* Loss of existing mature trees on site;
- \* No reference to a control programme for management of Japanese Knotweed;
- \* Increase in risk of local flooding due to change in levels and the drainage system will not be able to cope with excess water draining from the proposed development. No reference to mitigation measures being proposed to counter surface water flooding risk.
- \* Development will lead to further problems with sewerage system which is already at capacity;
- \* Noise and dust created during the construction leading to impact on health and well-being of local residents;
- \* Rodent issue in existing building. Its demolition will drive the problem to nearby properties;
- \* Risk of contamination of disturbed substances during demolition and construction posing an unhealthy environment and health risks

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Gorseinon Town Council – A large delegation of 50 residents from adjoining the site were allowed to speak prior to discussion. Following a number of resident meetings over the proposal they objected to the proposal on the following grounds which were presented by spokespersons on behalf of residents:

Highway safety, drainage and flooding concerns; intensive form of development; likely problems from tenants; 3 storeys form of development being unacceptable; adverse impact upon adjoining residents and likely congestion from on street parking issues.

Following discussion the Town Council discussed the proposal and resolved to OBJECT on the following grounds:

1. Overdevelopment – The layout proposed too many properties for the size of the site, 3 storey properties were considered inappropriate in this location, and deemed more in keeping for a city centre location.
2. The mix of properties was considered inappropriate for this residential area, and would introduce an unacceptable mix of property types – residents and members preferred a layout comprising retirement bungalows for the elderly on this site.
3. Highways – The layout of the roads within the proposal was considered unacceptable, creating too many new access points onto Loughor Common and Park Road. It was noted Loughor Common led to a dead end. The intensity of the development would result in additional vehicle movements and on street parking, and would worsen the already dangerous junctions at the end of Park Road onto Alexandra Road.  
The layout of the development would also lead to rat runs through the site. Park Road is already used by motorists as a short cut to avoid Gorseinon traffic lights, and highway safety concerns were raised. Additional on street parking would lead to congestion and difficulty for emergency vehicles to access the area, as the roads are restricted to single lane at present.
4. Sewerage – The existing system in this area is outdated, and at capacity and cannot accommodate the additional development without upgrading.
5. Flooding – The change in levels and layout of the development would worsen the flooding problems already experienced for residents of properties in Loughor Common adjoining the site. Removal of the trees/hedges on the site would also lead to further flooding issues.
6. Knotweed exists on the site and needs to be surveyed and removed. Specialists have advised on pollution on site.
7. The current TA centre does not create problems or concerns for residents and has been a good neighbour.

The Committee voted to support the opposition of local residents and voted unanimously to oppose the development in its current form for the reasons stated above.

Council's Head of Highways and Transportation:

### PROPOSALS

Proposals are for the demolition of existing buildings and construction of a residential development for 37 dwellings comprising of 30 one bed roomed flats, 6 two bed roomed flats and 1 detached bungalow with associated access and landscaping works.

### EXISTING FEATURES

The proposed development site is occupied by a former, now disused, TA Centre which lies in an established residential area on a plot of land that intersects between Park Road and Loughor Common, Gorseinon. It comprises a hardstanding and a long hipped roof brick building sited at the centre. The building was formerly used as a garaging area for the TA centre but has been vacant for some time.

The site is in private ownership and is inaccessible to the public. It has direct frontage along Park Road and benefits from 2 gated vehicular access points in the north west and north east corners. Park Road is a long straight road adjoining West Street to the east and Alexandra Road to the north west of the site. A public right of way delineates to the rear of properties fronting Penrhos along the south west corner of the site.

### BACKGROUND

In terms of planning history, there have been a number of previous applications pertaining to this site comprising various alterations and erections of offices in relation to the TA Centre.

This application submission follows a formal pre application enquiry (Ref:2015/2530) in which a response from the Local Planning Authority dated 27th January 2016 highlighted that the principle of the development is supported subject to detailed considerations relating to the design of the proposal.

### PROPOSED LAYOUT

The site benefits from frontage along Park Road and Loughor Common to the north and the south respectively and the proposal incorporates two 5.5m width internal roadways which intersect on a north to south axis and are bounded by 2m footways and by off street parking spaces either side. A separate access point is provided in the north-west corner which serves as a parking courtyard for residents of a 3 storey block of flats. The vehicular access points are designed with visibility splays in both directions along Park Road and Loughor Common allowing ingress and egress into the site. Vision splays from 2.4m back from the give way line at the junctions provide visibility in excess of 45m in both directions (with the exception of the south west junction with Loughor Common which allows for approximately 40m which is considered acceptable. Footways of 2m width are proposed on Park Road and Loughor Common. The development has been designed to accommodate a pedestrian friendly environment with level footways promoting ease of access for all potential users. In addition, residential and visitor parking is proposed.

In line with design standards, the development is accessible by several modes of transport with links to the wider road network and within close proximity to a number of essential services and facilities including Gorseinon bus station, facilitating a link with both the City Centre and Gowerton railway station approximately 3km to the south east.

### PARKING PROVISION

Proposals are for a total of 37 dwellings comprising of 30 one bedroomed flats, 6 two bedroomed flats and 1 detached bungalow indicated as being 4+ bedroom. Proposed parking provision accords with the agreed adopted standards with provision being made for residents, visitors and to include for disabled drivers.

### SUSTAINABILITY & ACCESSABILITY

The application site is located in a highly accessible location and lies approximately 0.6km to the south west of Gorseinon District Shopping Centre which has a wide range of shops, food stores, cafes, pubs and restaurants. Several local schools are within walking distance, including Gorseinon Primary, Penyrheol Primary and Comprehensive along with Tre Uchaf Primary and Gower College which are within 1.3km. The site also lies close to and benefits from convenient access to a number of public services including Gorseinon Library, the bus station, Gorseinon Hospital and a number of places of worship.

### TRAFFIC GENERATION

There will obviously be an increase in vehicle movements in the vicinity during the morning and evening peak periods. In line with nationally held data, a development such as this could be expected to generate around 22 movements in the peak period which equates to approximately 1 movement every 3 minutes in each peak hour.

### CONCLUSION

1. The proposals benefits from suitable access and parking arrangements in accordance with adopted standards. It is unlikely that the development would exacerbate existing highway parking issues on the surrounding network.
2. Extra movements in the peak period generated by the development are not considered to be excessive.
3. Provision of footways on Park Road & Loughor Common where there are currently verges will increase safety for pedestrians.

### RECOMMENDATION

1. All internal roads are to be built to Highway Authority specification, details to be submitted and approved by the local planning authority.
2. Footways on Park Road and Loughor Common are to be built to Highway Authority specification and completed prior to occupation. Highway works are subject to an agreement under Section 278 of the Highways Act 1980.
3. Prior to any works commencing on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

### NOTES:

1. During pre-application discussions, the matter of regularising the boundaries with regard to the adopted highway was raised. There is an overlap of the proposals with the adopted highway and possibly some stopping up of the highway will be necessary. Applicants must satisfy themselves with regard to exact site/highway boundaries before carrying out any development works, in order that any necessary highway works licences are obtained, or the requirement to extinguish highway rights are addressed. Notes to this effect must be included on all submitted drawings for approval.

2. All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City & County of Swansea.

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However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, The City & County of Swansea, Guildhall c/o Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to tel no. 01792 636091.

Council's Drainage Section: We have reviewed the submitted application and based on the submitted reports and site details consider that the development can be appropriately drained and recommend that the following is appended to any permissions given.

### Condition 1

No development shall commence until the developer has prepared a strategy 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. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

### Reason:

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

### Condition 2

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 prevent inappropriate development on site that may affect the onsite watercourse and create or exacerbate any existing flood risk issues.

### Informatives

Any works to the culverted watercourse may require the prior written consent of the Lead Local Flood Authority (LLFA) irrespective of any other permissions given, please apply to the City and County of Swansea via the Drainage and Coastal Management function who can be contacted via Application forms can be downloaded from our website at

Council's Planning Ecologist: The buildings on the site have been surveyed for bat roosts, no evidence of bat use of the buildings was found. As a precaution please include standard informatives. The surveyors have suggested some ecological enhancements these are detailed in sections 10.1 to 10.8 of the Ecological Report. A condition requiring the mitigation measures to be installed should be included on the grant of any planning permission.

Council's Education Section – This is a residential development of 37 units which consist of the following:

- \* 26 x 2person One bedroomed flats;
- \* 10 x 3person Two bedroomed flats;
- \* 1 x 5person Three Bedroomed adapted bungalow.



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In view of the nature of accommodation proposed (i.e. flats) I can confirm that there will now be no request made for a Developer's Contribution at this time.

Council's Pollution Control Division – Offer no objection to the proposal but would like to attach the following condition and comments: -

Conditions: -

Land:

\* Prior to the beneficial use of the development commencing, the applicant shall submit the 'Supplementary Site Investigation Report' regarding the condition of the land once the existing buildings and hardstanding's have been removed. The site investigation report is to confirm the presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified within the Integral Geotechnique (Wales) Limited report submitted.

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

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

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

\* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the LPA.

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

Comments: -

INFORMATIVES:

### 1 Construction Noise

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

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

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

**2 Smoke/ Burning of materials**

No burning of any material to be undertaken on site.

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

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

**3 Dust Control:**

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

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

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

**4 Lighting**

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

Council's Japanese Knotweed Officer: The following condition must be placed upon this application.

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

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.

Natural Resources Wales: We have significant concerns with the proposed development as submitted. However, we consider that these concerns can be overcome, subject to the following conditions being imposed on any planning permission your Authority is minded to grant.

**Contaminated Land**

We have reviewed the document entitled; 'TA Centre, Gorseinon: Site Investigation Report (Ref: 11682/SI/15/SI)', by Integral Geotechnique, along with the letter (Ref: 11682/PB), dated 10 February 2016, also by Integral Geotechnique.

We concur with recommendations made in the report that further investigation is required to fully characterise the site in order to;

- \* Understand all sources on site,
- \* to discover whether the stream is culverted and what drains on site connect to it,
- \* to undertake adequate risk assessment for controlled waters.

We also note that some soakaway test have been undertaken on site and that there may be areas yet to be uncovered that may prove more suitable.

Owing to current ambiguity of the location of the surface waters on the site, the issues highlighted above, we advise that the following conditions be added to any planning permission that your Authority may be minded to grant:

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

1. A preliminary risk assessment which has identified:

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

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: Natural Resources Wales considers that the controlled waters at this site are sensitive and that contamination is known/strongly suspected at the site due to its previous use.

Condition: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

#### Foul Water Disposal and Memorandum of Understanding

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

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

We assume that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. Please note that it is likely we would oppose any alternative proposal for a non-mains drainage system at this location.

We strongly recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

In addition to capacity and hydraulic overload issues, the Loughor WFD water body is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration.

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

We recommend that your Authority's Drainage Engineers are also consulted in relation to the surface water proposals. This is in order to ensure there is no connection of surface water to the main sewerage system.

The applicant should also be encouraged to investigate and implement additional forms of sustainable drainage techniques (SUDS) within the development, for example grey-water recycling, rain-water harvesting, permeable paving, etc. – wherever possible.

#### Protected Species and Ecology

A bat survey has been submitted in support of the above application entitled; 'Bat Report: The Old TA Centre, Gorseinon, Swansea', dated October 2015, by Richard Watkins. This report states that bats were not using the buildings and trees at the site. We therefore have no further comments to make in relation this matter.

We also note the provision of the document entitled; 'Extended Phase 1 Survey: The Old TA Centre, Gorseinon, Swansea', dated September 2015, by Richard Watkins. Section 6 of this report makes a number of recommendations, which we advise be discussed and agreed with your Authority's Planning Ecologist.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. We recommend that you seek further advice from your Authority's Planning Ecologist in relation to these species and habitats.

#### Pollution Prevention & Waste Management

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

As best practice, we would advise the developer to produce a site specific Construction Management / Pollution Prevention Plan with particular reference given to the protection of the surrounding land & water environments. Provision of a specific Silt Management Plan, should also be considered.

We would also recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: ([www.defra.gov.uk](http://www.defra.gov.uk)).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

Dwr Cymru Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### SEWERAGE

We have considered the impact of the foul flows generated by the proposed development upon the local public sewerage system and concluded that it is unlikely that sufficient capacity exists to accommodate the development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment.

We have been liaising with the developer of the proposed site and can confirm that they have instructed us to undertake a Hydraulic Modelling Assessment of the local public sewerage network. This Assessment will examine the existing network and consider the impact of the introduction of flows from the development upon its performance. Where required and appropriate, the Assessment will then identify solutions and points of communication to ensure that the site can be accommodated within the system.

At present, in the absence of known solutions to accommodate the site we are not be able to provide suitable planning conditions to protect our existing customers and the environment.

The Assessment is due for completion in August 2016 and we would request that appropriate conditions are submitted at this time.

In relation to the requirements under the Memorandum of Understanding, we are also working with the developer to seek a suitable surface water removal scheme and would request that the developer continues to liaise with us to produce an appropriate outcome.

#### SEWERAGE TREATMENT

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

#### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Amended consultation response received 13th September 2016.

#### SEWERAGE

Conditions:

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and 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.

In relation to the requirements under the Memorandum of Understanding, we are continuing to work with the developer to seek a suitable surface water removal scheme and would request that the developer continues to liaise with use to produce an appropriate outcome.

#### **SEWERAGE TREATMENT**

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

#### **WATER SUPPLY**

Dwr Cymru Welsh Water has no objection to the proposed development.

The Coal Authority: The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with coal that outcropped to the south of the site.

The Coal Authority notes the submitted Site Investigation Report (December 2015, prepared by Integral Geotechnique (Wales) Ltd), which confirms site investigations across the site. The Coal Authority is able to confirm that the relevant permission was obtained from us for the works undertaken (Permit 11664).

In terms of the boreholes that were advanced, whilst a coal seam was intersected, no evidence of voids or broken ground associated with former shallow workings were encountered and the Report confirms that the seam itself is sufficiently thin, insignificant and at such a depth not to be of concern. Accordingly, the site is considered to be safe and stable from a mining viewpoint.

#### **The Coal Authority Recommendation to the LPA**

The Coal Authority considers that the content and conclusions of the information prepared by Integral Geotechnique (Wales) Ltd is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

#### **APPRAISAL**

##### **Proposal**

The proposal would involve the demolition of existing buildings at the TA Centre site and seeks full planning permission for a residential development comprising a mix of 37 no. units with associated access and landscaping works. The site was formerly occupied by the Ministry of Defence, comprising the TA Centre, and has been vacant for some time. The proposal is for 100% affordable housing.

The proposal was the subject of a formal pre-application submission in December 2015 where in the principle of re-developing the site for residential development was confirmed to be acceptable in line with existing development plan policies. The design of the scheme has evolved over time taking into account comments provided by consultees including urban design following pre-application advice.

The 37 residential units will comprise of: 30 x one bedroom flats; 6 x two bedroom flats; 1x four bedroom (adapted bungalow) The units are of varying size and scale tailored to the schedule of accommodation and house type. The two person one bedroom flats are provisioned at ground and first floor level within a two storey building. The three person two bedroom flats comprise of slightly larger floor areas in accordance with DQR standards as does the adapted bungalow. The remaining 8 x two person one bed flats in the south west corner will be incorporated in a detached three storey building.

The proposal has been designed around a simple layout comprising two internal access roads on a north to south axis with a central courtyard and accommodation in the in a block of flats in the west portion of the site which benefits from a dedicated parking courtyard. The site is connected via a vista that links from the eastern boundary, through the central courtyard and onto the internal access roads.

#### Site & Surrounding Area

The application site has an area of approximately 0.58 hectares. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as the application site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

The site comprises of a long plot of land which is broadly rectangular in shape. The topography of the site is largely level with a slight incline towards the north boundary. The site is a developed plot comprising a large expanse of hardstanding with a long hipped brickwork building sited in the centre of little architectural merit. The building was formerly used as a garage for the TA Centre but is currently vacant and is in a deteriorating condition. The site intersects between Park Road to the north and Loughor Common to the south, whilst Tirmynydd borders the eastern boundary. The remaining intersecting parcel of land, bounding the western boundary of the site, comprises of Einon House which is open frontage and faces directly onto the associated yard of the TA Centre. The boundaries are formed by a mixture of metal grill and barbed wire fencing with mature hedgerows along the east and north boundaries with areas of brickwork walls and iron gate access points in the north-west and north-east corners of the site.

The site is located in a predominantly residential area defined by a varied build form. The southern boundary of the site is bounded by Loughor Common which is characterised by a mixed street-scene comprising a range of detached, semi-detached and terraced dwellings which are predominately two-storey. Park Road borders the north boundary of the site and is similarly varied in build form comprising a row of two-storey semi-detached dwellings and detached bungalows which are of hipped roof design.



The surrounding dwellings are finished in a variety of materials, including render, pebbledash and stonework facades with clay, concrete or slate roof tiles and a mix of timber and uPVC windows and doors. Given this mixed street scene, this has afforded an opportunity for the proposed development to create its own contemporary identity whilst still remaining sympathetic to the surrounding area in terms of scale and massing.

### Main Issues

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

### Development Plan Policy and Land Uses

#### National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Planning Policy Wales (PPW) (Jan 2016 8th Edition), the redevelopment of the former school site for housing, would ensure that previously developed land is used in preference to a greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

#### Unitary Development Plan (UDP)

In terms of the principle of development, the application site lies within the defined urban area and the proposed development is consistent with the surrounding land use context which is predominantly characterised by residential dwellings. The land is not allocated for any designated land use and therefore comprises of a windfall site. The site lies in a central location with easy access to the wider road network and public transport modes. As such the principle of the development is acceptable and is considered to be in compliance with the overriding aims of national planning guidance and the provisions of policies set out in the UDP which are included below.

UDP Policy EV1 requires new developments to display a standard of design and layout sympathetic to the character and amenity of the site, its immediate surroundings and the broader area, which has regard to local amenities in terms of visual impact, loss of light or privacy, shared activity, traffic and parking implications.

Policy EV2 requires the siting of new developments to give preference to the use of previously developed land over Greenfield sites and for them to have regard to the physical character and topography of the site and its surroundings.

Policy EV3 requires proposals for new development to provide access and facilities for all, provide satisfactory parking levels, contribute to a high quality public realm, and are accessible to pedestrians, cyclists and users of public transport.

Policy EV30 seeks to encourage the protection and improved management of woodlands, trees and hedgerows.

Policy EV33, EV34 and EV35 seek to ensure proposals are served by public mains sewer; do not pose a significant risk to the quality and quantity of controlled waters, and with respect to surface water, incorporate sufficient mitigation measures.

Policy AS1, AS2, AS5 and AS6 concern the design, siting and layout of development ensuring that they have regard to sustainable modes of transport in addition to requiring satisfactory parking levels.

Policy HC2 supports housing development within the urban area where the site has been previously developed.

Policy HC3 encourages the inclusion of affordable housing in areas where a demonstrable lack of affordable housing exists and seeks the retention of affordable housing for such use through planning conditions, legal obligations and secure tenancy agreements.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is also relevant to the consideration of this application.

The Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more houses. The SPG is therefore also a material consideration in this instance.

#### Site Layout, Character and Appearance

The proposed development has been the subject of pre-application discussions which has fed into the overall proposed design. The proposed development will comprise a mix of house types of contemporary dwelling design, incorporating high quality and robust materials (mix of brickwork and render façade) that are considered sympathetic to the mixed design context of the street-scene.

The proposed flats are provisioned within two-storey buildings which are pitched roof semi-detached properties with side gable ends and projecting front and rear wing gabled extensions. The adapted bungalow is a pitched roof detached property, which corresponds to the neighbouring bungalow adjacent to Tirmynydd. The three-storey block of flats comprises a "T" shaped footprint and predominately pitched roof design.

The development is located in the centre of a large residential area, which means it is essential that new street and footpaths align with existing routes around the site. This has been achieved via the use of short lengths of highway which link with the existing roads around the site. The site is further well connected via a vista that links from the eastern boundary, through the central courtyard and onto the local access roads, with the layout also giving priority to pedestrians, with the use of a pavement perimeter block, and the central courtyard.

The central blocks have been articulated to create a strong road side frontage whilst creating a private and discreet residential courtyard. The taller 3 storey block on the western portion of the site, creates natural surveillance for the courtyard

The development incorporates strong built frontages with buildings facing onto Park Road and Loughor Common and buildings that define focal spaces, in particular the three-storey block of flats in the western portion of the site. The orientation of the dwellings forms a loose rectangular enclosure with a central focal courtyard and ensures that suitable separation distances are achieved between neighbouring properties. The three storey block to the west is set back off the highway and benefits from a spacious setting with outlooks onto areas of greenery to the south and west.

The site will comprise a mix of soft and hard landscaping. Rear garden plots and areas of informal open space will be laid to grass, whilst the internal roadway will be laid in black asphalt boarded by parking spaces demarcated in buff block paving and internal footpaths in concrete slab paving. Parking area forecourts and driveways are delineated by areas of soft landscaping which helps to soften and break up areas of parking. The proposal will incorporate a planting schedule including a mixture of trees and shrubs to define street frontages and areas of informal open space. The details of the landscaping can be secured by way of planning condition. It is also recommended additional boundary measures are included on the intersection of the two internal access roads where they meet Park Road and Loughor Common to soften the car parking areas. It is recommended to include a condition to this effect.

Overall it is considered the proposal, whilst representing a high density form of development, achieves its own local distinctiveness with strong built frontages and a contemporary urban fabric. It is considered to be of an appropriate scale and massing and is commensurate to site coverage and the context of existing properties. Furthermore, the proposal adopts a contemporary approach to façade treatments which allows for a distinct break from the local traditional context.

On balance it is therefore considered would have no detrimental impact upon the visual amenities of the surrounding area. The proposal is therefore in accordance with UDP Policies EV1, EV2 and HC2 of the UDP and the guidance set out in Places to Live: Residential Design Guide SPG.

#### Residential Amenity

The surrounding land use is predominantly characterised by residential dwellings. The proposed units range from two to three storeys in height. The topography of the site slopes towards the southern boundary. Notwithstanding this, the proposed units are sited at a sufficient distance from directly opposing elevations of neighbouring dwellings, and as such it is considered that the relationship and distance of neighbouring properties to the site is sufficient to ensure there would be no unacceptable impact on neighbouring residential amenity by virtue of any overlooking, overshadowing or overbearing impacts.

Due regard has been taken with respect to separation distances between proposed residential units and these are compliant with the guidelines set out in the Places to Live: Residential Design Guide SPG.

Furthermore, the proposed units benefit from modest sized garden plots which will provide for sufficient sized amenity space for future occupiers. Overall it is therefore considered the proposal is compliant with Policies EV1, EV2 and HC2 of the UDP and the guidance set out in Places to Live: Residential Design Guide SPG.

### Ecology

The planning application is accompanied by a bat survey and an extended phase 1 ecological survey. No evidence of bat use of the building was found. The surveyors have suggested a number of ecological enhancements. A condition requiring the installation of the suggested mitigation measures will be included on the grant of any planning permission.

### Access & Highway Safety Considerations

Turning to access and highway safety, the proposed development will incorporate several new access routes into the site including two internal roadways linking Park Road and Loughor Common from north to south respectively. A separate access point is provided in the north-west corner which serves as a parking courtyard for the block of flats. Both internal roadways are indicated as being 5.5m wide to be bounded by 2m footways and by off-street parking spaces either side. Both include traffic calming measures at the midway point. The internal roadways are designed with visibility splays at the junctions with Park Road and Loughor Common in excess of 45m from a point 2.4m back from the give way line in both directions. The exception is the junction at the south west with Loughor Common which allows for approximately 40m into the bend. In line with agreed adopted standards a distance of 43m is recommended at a junction from a point 2.4m back from the give way line on a 30mph road. As the bend in the road onto Loughor Common from Penmynydd acts as a natural traffic calming measure, the Council's Head of Highways and Transportation has advised that a difference of 3m is considered acceptable and that the visibility splays at that junction would be no worse, and in fact better, than many existing junctions throughout Swansea.

The development has been designed to accommodate a pedestrian friendly environment with level footways promoting ease of access for all potential users. With regards to parking, the Council's Head of Highways and Transportation has advised that the levels of parking provision accords with the agreed adopted standards with provision being made for residents, visitors and to include for disabled drivers.

Notwithstanding the above, there have been numerous objections to the proposals. Those relating to highway issues are listed below:

1. Concerns with regards to development traffic exacerbating an issue of traffic using Park Road as a rat run to avoid traffic lights on Alexandra Road and an increase of traffic onto approach roads as a result of the development.
2. Concerns that a perceived lack of parking on the development will lead to an increase of cars parked on Park Road and Loughor Common. Local concerns highlight that when any services are held in the nearby churches attendees park on the former, while a lack of driveway space for properties on the latter, leads to residents parking on the highway. Concerns have also been raised that both Park Road and Loughor Common are too narrow for cars to pass each other.

3. It is felt that the internal access roads of the development are unnecessary and will act as shortcuts. Furthermore it is felt that the internal access onto Loughor Common at the south west corner is dangerous as it is close to a blind bend and that traffic leaving Penmynydd does so at speed and in the middle of the road.

4. Accidents in the area have been cited.

5. Concerns over how delivery lorries and service vehicles would access the site.

The Council's Head of Highways and Transportation has provided the following response to address highway and road safety concerns.

1. In line with nationally held data, a development such as this could be expected to generate around 22 movements in the peak period which would equate to 1 vehicle movement every 3 minutes in each peak period which is not considered to be excessive. Vehicles would not all be travelling in the same direction or all using the same junction, neither would they all be leaving the development at the same time, any additional traffic would disperse naturally.

2. Proposed parking provision within the development accords with agreed adopted standards with residents, visitors and disabled spaces being provided for. In addition to this, it has been shown that the development is in a highly sustainable location. Therefore it is unlikely that there would be any overspill parking onto the surrounding highway network. Parking for church services is considered to be a temporary, occasional occurrence. The nearby church has a car park and any resulting overspill parking on neighbouring streets would be expected to disperse within a relatively short time period. There are parking restrictions near the junction with Park Road and Alexandra Road. With regard to the width of Park Road and Loughor Common, Park Road is approximately 6.5m wide while Loughor Common varies between approximately 5m to 6.5m wide. The minimum passing width for 2 vehicles on a straight is 4.1m therefore it can be seen that there is sufficient space for 2 vehicles to pass one another on both roads. Both Park Road and Loughor Common will benefit from new footways in place of existing verges which would increase highway safety for pedestrians.

3. The internal access roads provide access to parking spaces for residents and visitors alike. They intersect the development allowing delivery and service vehicles, which would otherwise need to carry out reversing manoeuvres, to ingress and egress the site safely and in a forward gear. Both internal roadways are indicated as being 5.5m wide to be bounded by 2m footways and by off-street parking spaces either side. Both include traffic calming measures at the midway point. The internal roadways are designed with visibility splays at the junctions with Park Road and Loughor Common that allow for visibility in excess of 45m from a point 2.4m back from the give way line in both directions. The exception is the junction at the south west with Loughor Common which allows for approximately 40m into the bend. In line with agreed adopted standards a distance of 43m is recommended at a junction from a point 2.4m back from the give way line on a 30mph road. As the bend in the road onto Loughor Common from Penmynydd acts as a natural traffic calming measure, it is felt that a difference of 3m is considered acceptable and that the visibility splays at that junction would be no worse, and in fact better, than many existing junctions throughout Swansea.

4. Several references have been made to accidents in the vicinity, in particular one fatality at the junction of Park Road/Alexandra Road caused by a vehicle travelling at excessive speed on Alexandra Road colliding with a vehicle negotiating the junction with Park Road / Alexandra Road. Data from the past 3 years indicates that there have been 3 other road traffic accidents in the vicinity involving slight personal injury, two of which were on Park Road with the other being on Alexandra Road.

5. Service and delivery vehicles would access the development in the same manner the surrounding network is currently being accessed. The development site was until recently a TA centre when large traffic would have been accessing the site on a regular basis. With regard to the development itself, both internal footways are indicated as being 5.5m wide which is more than sufficient for vehicles to be able to pass them while they are in attendance. Furthermore, because the roads intersect the development, any delivery or service vehicles, which would otherwise need to carry out reversing manoeuvres, would be able to ingress and egress the site safely and in a forward gear

Overall the Council's Head of Highways and Transportation has concluded that:

1. The proposals benefits from suitable access and parking arrangements in accordance with adopted standards. It is unlikely that the development would exacerbate existing highway parking issues on the surrounding network.
2. Extra movements in the peak period generated by the development are not considered to be excessive.
3. Provision of footways on Park Road & Loughor Common where there are currently verges will increase safety for pedestrians.

Accordingly the Council's Head of Highways and Transportation has recommended no objection be raised on access and highway safety grounds and appropriately worded highways conditions are recommended to be included on the grant of any planning permission.

#### Drainage & Water Quality

It is understood the applicants have held ongoing extensive discussions with Dwr Cymru Welsh Water both prior to submitting this planning application and during its consideration.

The Memorandum of Understanding (MoU) sets out a hierarchy of options to achieve a set amount of betterment of surface water removal for each proposed dwellings. In addition to this it is understood there are known foul capacity issues in the public sewer along Park Road.

In order to achieve an acceptable drainage solution there is therefore a need to satisfy both the requirements of the MoU and issues with the current public foul sewer capacity. In addition to the above, surface water currently discharges into an existing watercourse along the southern boundary which removes the ability of the development to remove any surface water discharge from the public sewer system and the ability to mitigate the current foul capacity issue.

The planning application is accompanied by a Drainage Strategy Report. A Hydraulic Modelling Assessment (HMA) has also been undertaken. The Council's Drainage Section has advised that appropriately worded conditions should be included on the grant of any planning permission.

DCWW have confirmed in their amended consultation response received 13th September 2016 (following the completion of the HMA), that they recommend the inclusion of a similar appropriately worded condition.

With regards to surface water the drainage strategy proposed is to connect into the culverted watercourse crossing the site; no on-site attenuation is proposed as the contributing surface water runoff area of the proposed site is less than that of the existing site. Notwithstanding this, it is understood the applicant is working with Dwr Cymru Welsh Water regarding a suitable surface water removal scheme at the site.

It is therefore considered that subject to the inclusion of an appropriate worded drainage conditions, an acceptable drainage strategy can be achieved on site, which is compliant with the requirements of Policies EV33, EV34 and EV35 as well as the MoU to ensure no detrimental impacts are caused to the public sewer system and surrounding water environment.

## Burry Inlet Habitat Regulations Assessment

### Introduction

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

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site. Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area. Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

### Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

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

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

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

#### Other possible effects on CBEEMs features

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

On this basis, there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with Regulation 61(1). The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, has confirmed that they are content with the above approach.

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

In conclusion, DCWW have not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WWTW drainage network area runs up until the end of 2017.



The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.'

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

#### Land Contamination & Ground Conditions

The planning application is accompanied by a site investigation report and associated mining investigation briefing note. The report recommends that a limited supplemental site investigation and further chemical testing of the underlying ground is carried out once the buildings have been demolished, as well as additional samples. This can be secured by way of planning conditions as recommended by the Council's Pollution Control division. In addition to the comments from the Pollution Control Division, NRW have endorsed the submission of the site investigation reports and have also recommended standard land contamination conditions as well as those relating to unsuspected contamination.

Furthermore, in view of the scale and nature of the development it is considered necessary to require by condition the submission of a construction pollution management plan (CPMP). NRW have also requested the submission of a waste management plan in order to help the developer / contractor manage waste materials efficiently and reduce the amount of waste materials produced. Given the scale of the proposal and the amount of demolition proposed, this requirement is considered to be reasonable in the interests of sustainability and can be controlled by condition.

In view of the above the proposal is considered to be in accordance with UDP Policy EV38.

#### Japanese Knotweed

There is a known area of Japanese Knotweed in the eastern portion of the site. A condition requiring a scheme for its removal is proposed to be included on the grant of any planning permission.

#### S106 Contribution Requests

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

The Council's Education Department has advised that in view of the nature of accommodation proposed (i.e. flats) no request is made for a developer contribution on this scheme.

Whilst the proposal is for 100% affordable housing, in order to ensure the scheme is brought forward as affordable housing, a Section 106 agreement will be necessary to ensure a minimum of 30% affordable housing, in line with Council policy, is retained in the development at all times.

#### Other Issues

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, drainage, sewerage, previous contamination, Japanese Knotweed, parking and highway safety issues.

Concerns have also been raised in letters of objection regarding the potential impact of the development on property values in the area. This is not a planning matter and would carry little weight in the determination of this planning application.

Concerns have been raised in letters of objection regarding the impact of construction activities on neighbouring residents in terms of noise and disturbance. Whilst it is acknowledged that there may be some disturbance in this respect, this will be limited to the duration of the build programme and any potentially significant impacts should be mitigated through good building practices and site management. A construction pollution management plan will be required by condition and any statutory nuisance would be dealt with under separate legislation.

Concerns have been raised regarding the level of public consultation on the proposal. The planning application was advertised on site and in the local press. The level of consultation carried out was in accordance with the requirements as set out in the Town & Country Planning, (Wales) Development Management Procedure Order 2015.

Concerns have been raised regarding vermin at the site and the potential to relocate to neighbouring properties. This is a matter that would be dealt with under separate Environmental Health legislation.

Concerns have been raised regarding the loss of existing trees at the site. These trees are not protected under any Tree Preservation Order. Notwithstanding this the applicant is proposing a planting schedule to include a mixture of trees and shrubs within the scheme which can be secured by condition.

With regard to the request by the Drainage Division to remove certain PD rights, with the exception of the bungalow, the properties subject to this application are flats and would not therefore benefit from the PD rights identified. It is not considered necessary to remove the PD rights solely for the bungalow.

Conclusion

Overall it is considered the proposal makes efficient use of this brownfield site in a sustainable urban location and the development is considered to provide an appropriate contextual response that would have an acceptable impact on the character and appearance of the area. Moreover, the development would provide affordable housing and would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. The proposal development would therefore accord with the above referenced UDP policies and SPG. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations, and as such the application is recommended for conditional approval.

**RECOMMENDATION:**

**APPROVE, subject to the following conditions and the applicant entering into a Section 106 agreement to secure a minimum of 30% affordable housing within the development:**

- 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: 15-031-03-02 Site Layout, 15-031-03-03 Street Scenes 1/500, 15-031-03-04, 15-031-03-05, 15-031-03-06, 15-031-03-07, 15-031-03-08 Sections, 15-031-03-09, 15-031-03-10, 15-031-03-11 3D Views, V12 Location Plan, 15-031-03-13 Proposed Site Plan, 15-031-03-14 Materials & Enclosures Layout, 15-031-03-15 Street Scenes 1/200, 15-031-03-16 Overlooking Study Ground Floor, 15-031-03-17 Overlooking Study First Floor, 15-031-07-04 Ground Floor, 15-031-07-05 First Floor, 15-031-07-06 Second Floor, 15-031-07-07 Site Plan, 15-031-07-02 Elevations, 15-031-07-08 3D Views, 15-031-07-03 Elevations, 15-031-07-09 Sections, 15-031-08-02 Elevations, 15-031-08-03 Floor Plans, 15-031-08-04 Sections, 15-031-08-05 Render, 15-031-09-02 Elevations, 15-031-09-03 Floor Plans, 15-031-09-04 Sections, 15-031-09-05 Rendered Images, 15-031-10-02 Elevations, 15-031-10-03 Floor Plans, 15-031-10-04 Sections, 15-031-10-05 Rendered Images, 15-031-11-02 Elevations, 15-031-11- 03 Floor Plans, 15-031-11- 04 Sections, 15-031-11- 05 Render, 15-031-12-02 Elevations, 15-031-12- 03 Floor Plans, 15-031-12- 04 Sections, 15-031-12- 05 Render, 15-031-13-02 Elevations, 15-031-13- 03 Floor Plans, 15-031-13- 04 Sections, 15-031-13- 05 Rendered Images, received 23rd May 2016.  
Reason: To define the extent of the permission granted.
  
- 3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.  
Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

**PLANNING COMMITTEE – 1<sup>ST</sup> NOVEMBER 2016**

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- 4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.  
Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).
- 5 No development shall take place until full engineering details of all internal roads and footways and the footways on Park Road and Loughor Common have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first occupation of the development.  
Reason: In the interests of highway safety.
- 6 No development (except demolition) shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how foul, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved.  
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.
- 7 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved details prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The controlled waters at this site are considered sensitive and that contamination is known/strongly suspected at the site due to its previous use.

- 9 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the safety of future occupiers is not prejudiced & there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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- 12 Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.  
Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the Local Planning Authority.  
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 13 Notwithstanding the submitted plans, no development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 14 Prior to the commencement of development a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) Construction programme and timetable;
  - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
  - c) Proposed working hours;
  - d) Principal Contractor details, which will include a nominated contact for complaints;
  - e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
  - f) Details of on-site dust mitigation measures having regard to BPM;
  - g) Details of on-site noise mitigation measures having regard to BPM;
  - h) Details of waste management arrangements (including any crushing/ screening operations);
  - i) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

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

Reason: To protect residential amenity and the environment during the construction phase.

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- 15 Prior to the commencement of development, details of a strategy to implement the mitigation measures detailed in section 6 of the 'Extended Phase 1 Survey: The Old TA Centre, Gorseinon, Swansea', dated September 2015, by Richard Watkins shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the approved details.  
Reason: In the interests of biodiversity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV40, HC2, HC3, HC17, AS1, AS2, AS5, AS6; Places to Live - Residential Design Guide SPG Jan 2014; Planning Obligations SPG March 2010).
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.  
  
To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no foul, surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.
- 5 The Highways Officer has advised that a Construction Traffic Management Plan should be prepared for this development. The applicant is advised to contact the Highways Department for further information on the requirements of this plan.

NRW have advised that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: ([www.defra.gov.uk](http://www.defra.gov.uk)).

Waste produced during the construction phase of the development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of the applicant's waste duty of care, the waste produced must be classified:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>  
<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website at:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>.

NRW have further advised that provision of a specific Silt Management Plan should also be considered.

- 7 There is an overlap of the proposals with the adopted highway and possibly some stopping up of the highway will be necessary. Applicants must satisfy themselves with regard to exact site/highway boundaries before carrying out any development works, in order that any necessary highway works licences are obtained, or the requirement to extinguish highway rights are addressed. Notes to this effect must be included on all submitted drawings for approval.

All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City & County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, The City & County of Swansea, Guildhall c/o Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to [mark.jones@swanea.gov.uk](mailto:mark.jones@swanea.gov.uk), tel no. 01792 636091.



- 8 Any works to the culverted watercourse may require the prior written consent of the Lead Local Flood Authority (LLFA) irrespective of any other permissions given, please apply to the City and County of Swansea via the Drainage and Coastal Management function who can be contacted via [Drainage.Consents@swansea.gov.uk](mailto:Drainage.Consents@swansea.gov.uk). Application forms can be downloaded from our website at <http://www.swansea.gov.uk/article/5390/Drainage-and-coastal-management>.
- 9 The Council's Pollution Control Officer has advised the following:
1. Construction Noise  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
The Local Authority has the power to impose the specified hours by service of an enforcement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  2. Smoke/ Burning of materials  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  3. Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  4. Lighting  
During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations.
- 10 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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