

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE


At: Council Chamber, Civic Centre, Swansea

On: Thursday, 19 June 2014

Time: 5.00 pm

AGENDA

| | Page No. |
|--|-----------------|
| 1 Apologies for Absence. | |
| 2 Disclosures of Personal & Prejudicial Interests. | 1 - 2 |
| 3 Minutes. To approve as a correct record the minutes of the Development Management & Control Committees held on 17 April & 8 May 2014. | 3 - 7 |
| 4 Planning Application 2013/1835 - Land to east of Felindre Business Park, Felindre, Swansea. (Referred from Area 1 Development Control Committee held on 27 May 2014) | 8 - 25 |
| 5 Planning Application 2013/1441 - Land adjacent to Llys Pentre, Llangyfelach Road, Brynhyfryd, Swansea. (Referred from Area 1 Development Control Committee held on 27 May 2014) | 26 - 49 |
| 6 Planning Application 2008/1615 - Bernard Hastie and Co and adjacent Maliphant Sidings, Morfa Road, Swansea. (Referred from Area 1 Development Control Committee held on 27 May 2014) | 50 - 90 |
| 7 Planning Application 2013/1745 - Cilibion Saw Mills, Cilibion, Swansea. (Referred from Area 2 Development Control Committee held on 3 June 2014) | 91 - 111 |



Patrick Arran
Head of Legal, Democratic Services & Procurement
Thursday, 12 June 2014

Contact: Democratic Services - 636824

DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE (72)

Councillors:

| | |
|------------------------|-------------------------|
| John C Bayliss | Andrea S Lewis |
| Peter M Black | David J Lewis |
| Nicholas S Bradley | Richard D Lewis |
| June E Burtonshaw | Clive E Lloyd |
| Mark C Child | Paul Lloyd |
| Bob A Clay | Keith E Marsh |
| Uta C Clay | Penny M Matthews |
| Anthony C S Colburn | Paul M Meara |
| David W Cole | Hazel M Morris |
| Ann M Cook | John Newbury |
| Sybil E Crouch | Byron G Owen |
| Jan P Curtice | Geraint Owens |
| Nick J Davies | David Phillips |
| W John F Davies | Cheryl L Philpott |
| A Mike Day | Jennifer A Raynor |
| Phil Downing | T Huw Rees |
| C Ryland Doyle | Ioan M Richard |
| V Mandy Evans | Christine Richards |
| William Evans | Neil M Ronconi-Woollard |
| E Wendy Fitzgerald | Pearleen Sangha |
| Robert Francis-Davies | Paulette B Smith |
| Fiona M Gordon | Robert V Smith |
| Joe A Hale | R June Stanton |
| Jane E C Harris | Rob C Stewart |
| Terry J Hennegan | D Gareth Sullivan |
| Chris A Holley | Gloria J Tanner |
| Paxton R Hood-Williams | Mitchell Theaker |
| Beverly Hopkins | Ceinwen Thomas |
| David H Hopkins | C Miles R W D Thomas |
| Lynda James | Des W W Thomas |
| Yvonne V Jardine | Mark Thomas |
| Andrew J Jones | L Graham Thomas |
| Jeff W Jones | Linda J Tyler-Lloyd |
| Mary H Jones | Gordon D Walker |
| Susan M Jones | Lesley V Walton |
| Erika T Kirchner | T Mike White |

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON THURSDAY, 17 APRIL 2014 AT 5.00 PM

PRESENT: R Francis-Davies (Chair) Presided.

| Councillor(s) | Councillor(s) | Councillor(s) |
|----------------------|----------------------|----------------------|
| J C Bayliss | J E C Harris | G Owens |
| P M Black | T J Hennegan | D Phillips |
| J E Burtonshaw | L James | C L Philpott |
| R A Clay | Y V Jardine | J A Raynor |
| U C Clay | M H Jones | I M Richard |
| A C S Colburn | S M Jones | C Richards |
| D W Cole | J W Jones | R V Smith |
| A M Cook | R D Lewis | G J Tanner |
| S E Crouch | D J Lewis | C Thomas |
| J P Curtice | A S Lewis | C M R W D Thomas |
| N J Davies | P Lloyd | L G Thomas |
| P Downing | K E Marsh | M Thomas |
| C R Doyle | P M Matthews | D W W Thomas |
| V A Evans | P M Meara | G D Walker |
| W Evans | H M Morris | T M White |
| E W Fitzgerald | J Newbury | |
| F M Gordon | B G Owen | |

56 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors NS Bradley, MC Child, WJF Davies, AM Day, JA Hale, CA Holley, PR Hood-Williams, B Hopkins, DH Hopkins, ET Kirchner, CE Lloyd, TH Rees, PB Smith, RC Stewart, DG Sullivan, M Theaker, LJ Tyler-Lloyd and LV Walton.

57 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared.

Councillor JE Burtonshaw – Minute No 59 (Application No 2013/1712) – Personal – Friend lives in Highland Terrace.

58 **MINUTES.**

RESOLVED that the Minutes of the meeting of the Development Management and Control Committee held on 20 March be approved as a correct record.

59 **PLANNING APPLICATION 2013/1712 - LAND TO THE REAR OF BIRCH ROCK,
HIGHLAND TERRACE, PONTARDDULAIS, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for two dwellings(outline).

Mr King (agent) spoke in support of the application.

The application had been reported to the Area 1 Development Control Committee on 1 April 2014. The application was referred to the Development Management and Control Committee with a recommendation that planning permission be granted subject to conditions, as the proposal was an acceptable departure from the Development Plan.

A plan showing the location of the application site was attached at Appendix A, together with a copy of the report to the Area 2 Development Control Committee at Appendix B.

A visual presentation was given.

RESOLVED that the application **BE APPROVED** as a departure from the Development Plan subject to the conditions set out in the report to the Area 1 Development Control Committee, attached as Appendix B.

60 **PLANNING APPLICATION 2013/1381 - HILLHOUSE HOSPITAL/GOWER
COLLEGE, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for the demolition of the Hillhouse Hospital buildings and the expansion of the Gower College Campus.

The application had been reported to the Area 2 Development Control Committee on 8 April 2014. The application was referred to the Development Management and Control Committee with a recommendation that planning permission be granted subject to conditions and a Section 106 agreement, as the proposal was an acceptable departure from the Development Plan.

A plan showing the location of the application site was attached at Appendix A, together with a copy of the report to the Area 2 Development Control Committee at Appendix B.

A visual presentation was given.

RESOLVED that the application **BE APPROVED** as a departure from the Development Plan subject a Section 106 agreement and to the conditions set out in the report to the Area 2 Development Control Committee, attached as Appendix B.

61 **ADOPTION OF A VOLUNTARY CODE FOR 'TO LET' SIGNS, INITIALLY IN THE CASTLE, UPLANDS AND ST. THOMAS WARDS.**

The Head of Economic Regeneration reported and outlined the report which sought authorisation to adopt a Voluntary Code for "To Let" signs within the Castle, Uplands and St Thomas Wards.

The background details behind the introduction of the proposed code was outlined along with issues relating to the enforcement and monitoring of the Code.

The proposed Code was detailed as an Appendix to the report.

RESOLVED that

- 1) The Voluntary Code be adopted for the Castle, Uplands and St. Thomas wards.
- 2) The code is introduced to the Landlords' Forum and Estate Agents with a view to seeking their co-operation on its use.
- 3) The Code be sent to Neath Port Talbot CBC for possible adoption in their Wards surrounding the new campus on Fabian Way.
- 4) Submissions be made by Officers to Welsh Government relating to the current consultation on the Housing Bill and the possible addition to the Bill of compliance by landlords and estate agents of the new Voluntary Code.

62 **MINUTES OF THE RIGHTS OF WAY & COMMONS SUB COMMITTEE . (FOR INFORMATION)**

The minutes of the Rights of Way Sub Committees held on 8 January & 26 February 2014 were reported for information.

The meeting ended at 5.27 pm

CHAIR

CITY AND COUNTY OF SWANSEA

**MINUTES OF THE DEVELOPMENT MANAGEMENT AND CONTROL
COMMITTEE**

**HELD AT THE CIVIC CENTRE, SWANSEA ON THURSDAY 8 MAY 2014 AT 5.57
P.M.**

PRESENT:

Councillor(s):

J C Bayliss
P M Black
N S Bradley
J E Burtonshaw
M C Child
R A Clay
U C Clay
A C S Colburn
D W Cole
S E Crouch
J P Curtice
N J Davies
A M Day
P Downing
C R Doyle
V M Evans
W Evans
E W Fitzgerald
R Francis-Davies
F M Gordon
J A Hale
J E C Harris

Councillor(s):

T J Hennegan
C A Holley
P R Hood-Williams
B Hopkins
D H Hopkins
L James
Y V Jardine
A J Jones
J W Jones
M H Jones
S M Jones
E T Kirchner
A S Lewis
D J Lewis
R D Lewis
C E Lloyd
P Lloyd
K E Marsh
P M Matthews
P M Meara
H M Morris

Councillor(s):

B G Owen
G Owens
D Phillips
C L Philpott
J A Raynor
T H Rees
I M Richard
C Richards
N M Ronconi-Woollard
P B Smith
R V Smith
D G Sullivan
G J Tanner
M Theaker
C M R W D Thomas
D W W Thomas
M Thomas
L G Thomas
L Tyler-Lloyd
G D Walker
T M White

1. **SUSPENSION OF COUNCIL PROCEDURE RULE 12 "CHAIRMAN OF MEETINGS" IN ORDER TO ALLOW THE PRESIDING MEMBER TO PRESIDE OVER THIS MEETING**

RESOLVED that Council Procedure Rule 12 be suspended in order to allow the Presiding Member to preside over this meeting.

(COUNCILLOR D W W THOMAS PRESIDED)

2. **ELECTION OF CHAIR FOR THE 2014-2015 MUNICIPAL YEAR**

RESOLVED that Councillor R Francis-Davies be elected Chair for the 2014-2015 Municipal Year.

(COUNCILLOR R FRANCIS-DAVIES PRESIDED)

3. **ELECTION OF VICE CHAIR FOR THE 2014-2015 MUNICIPAL YEAR**

RESOLVED that Councillor P Lloyd be elected Vice Chair for the 2014-2015 Municipal Year.

4. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A M Cook, W J F Davies, J Newbury, R J Stanton, R C Stewart, C Thomas and L V Walton.

5. **DISCLOSURES OF PERSONAL & PREJUDICIAL INTERESTS**

No interests were declared.

6. **RIGHTS OF WAY SUB COMMITTEE**

RESOLVED that a Rights of Way Sub Committee be established.

The meeting ended at 5.59 p.m.

CHAIR

Agenda Item 4

Report of the Head of Economic Regeneration and Planning

Development Management & Control Committee – 19 June 2014

Referral of Planning Application Ref 2013/1835 From the Area 1 Planning Committee on 27 May 2014

LAND TO EAST OF FELINDRE BUSINESS PARK, FELINDRE, SWANSEA

CONSTRUCTION OF PARK AND RIDE / SHARE CAR PARK (APPROX 480 SPACES) WITH NEW VEHICULAR ACCESS, SECURITY OFFICE, TOILET, ENGINEERING AND ASSOCIATED WORKS, INCLUDING LIGHTING, FENCING DRAINAGE ATTENUATION AND LANDSCAPING (COUNCIL DEVELOPMENT REGULATION 3)

| | |
|-----------------------------|---|
| Purpose: | To determine the above application for the construction of park and ride / share car park at Felindre |
| Policy Framework: | National and Local Planning Policies. |
| Reason for Decision: | Statutory responsibility of the Local Planning Authority. |
| Consultation: | Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B |
| Recommendation(s): | APPROVED as set out in the report |
| Report Author: | David Owen |
| Finance Officer: | Not applicable |
| Legal Officer: | Not applicable |

1.0 Background

- 1.1 This application was reported to the Area 1 Development Control Committee on the 27 May 2014, with the recommendation that the proposal was an acceptable departure from the provisions of the Development Plan and planning permission should be granted, subject to Conditions.
- 1.2 The Committee subsequently resolved to accept the recommendation of Approval. A plan showing the location of the application site is attached as Appendix A and a copy of my report to the Area 1 Development Control Committee on the 27 May 2014 is attached as Appendix B.

2.0 Planning Policy Issues

- 2.1 The proposed park and ride / share facility will be located to the north-west of Junction 46 of the M4 and to the east of the proposed Felindre Strategic Business Park which is being developed on the site of the former Felindre Tinplate Works.

However, the site has been excluded as part of the developable area within the Felindre Business Park Masterplan and the recently constructed infrastructure / road layout works and proposed site is not allocated as part of the Strategic Business Park employment land designation under Policy EC1.

- 2.2 The proposal therefore constitutes development within the open countryside where the policy aspirations under UDP Policies EV21 and EV22 apply. However, the site of the proposed park and ride facility application was formerly part of the Felindre Tinplate Works and having regard to the relationship to the existing infrastructure provision within the area, namely the proposed Felindre Business Park, the B4489 and the Swansea North Electricity Sub-Station, the development of the park and ride / share facility at this location would be considered to be visually acceptable which would not prejudicially impact upon the intentions of UDP Policies EV21 and EV22 which seek to conserve and enhance the open countryside. The development of this site as a park and ride / share facility is therefore considered to be a justifiable departure to the Development Plan.
- 2.3 Approval is therefore recommended as a Departure to the adopted Development Plan Policy.

3.0 Recommendation

3.1 It is recommended that:

- (i) The application is **APPROVED** as a Departure from the Development Plan subject to conditions as set out in my report to the Area 1 Development Control Committee, attached as Appendix B.

BACKGROUND PAPERS

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

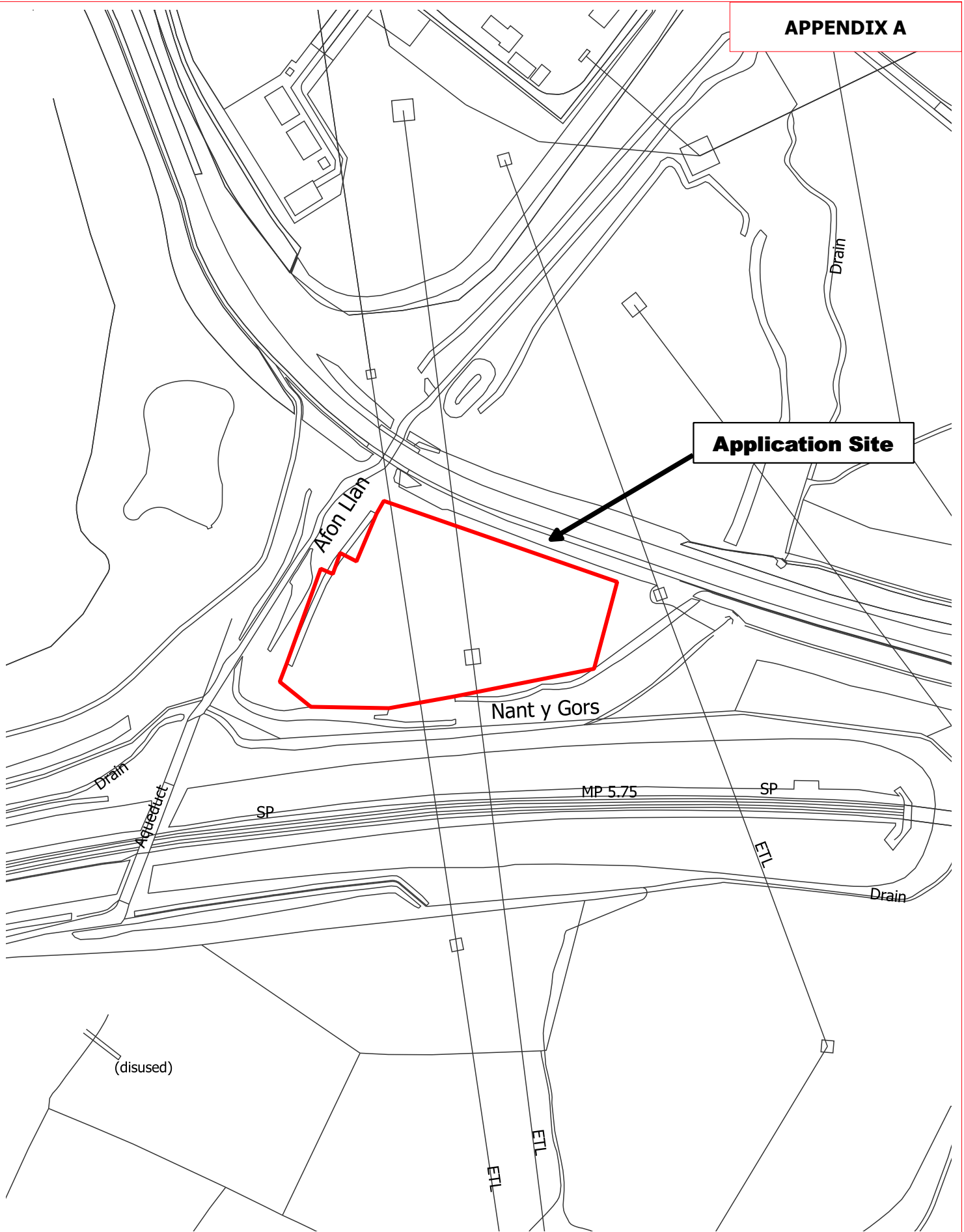
The following documents were used in the preparation of this report:

Application file, together with the files and documents referred to in the background information section of the appended Development Control Committee report.

Appendices:

APPENDIX A – Plan

APPENDIX B – Committee Report



Planning Application No. 2013/1835
Land to east of Felindre Business Park Felindre
Swansea SA4

Scale 1:2500 @ A4

Phil Homes, BSc (Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning

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Ordnance Survey 100023509



ITEM

APPLICATION NO.

2013/1835

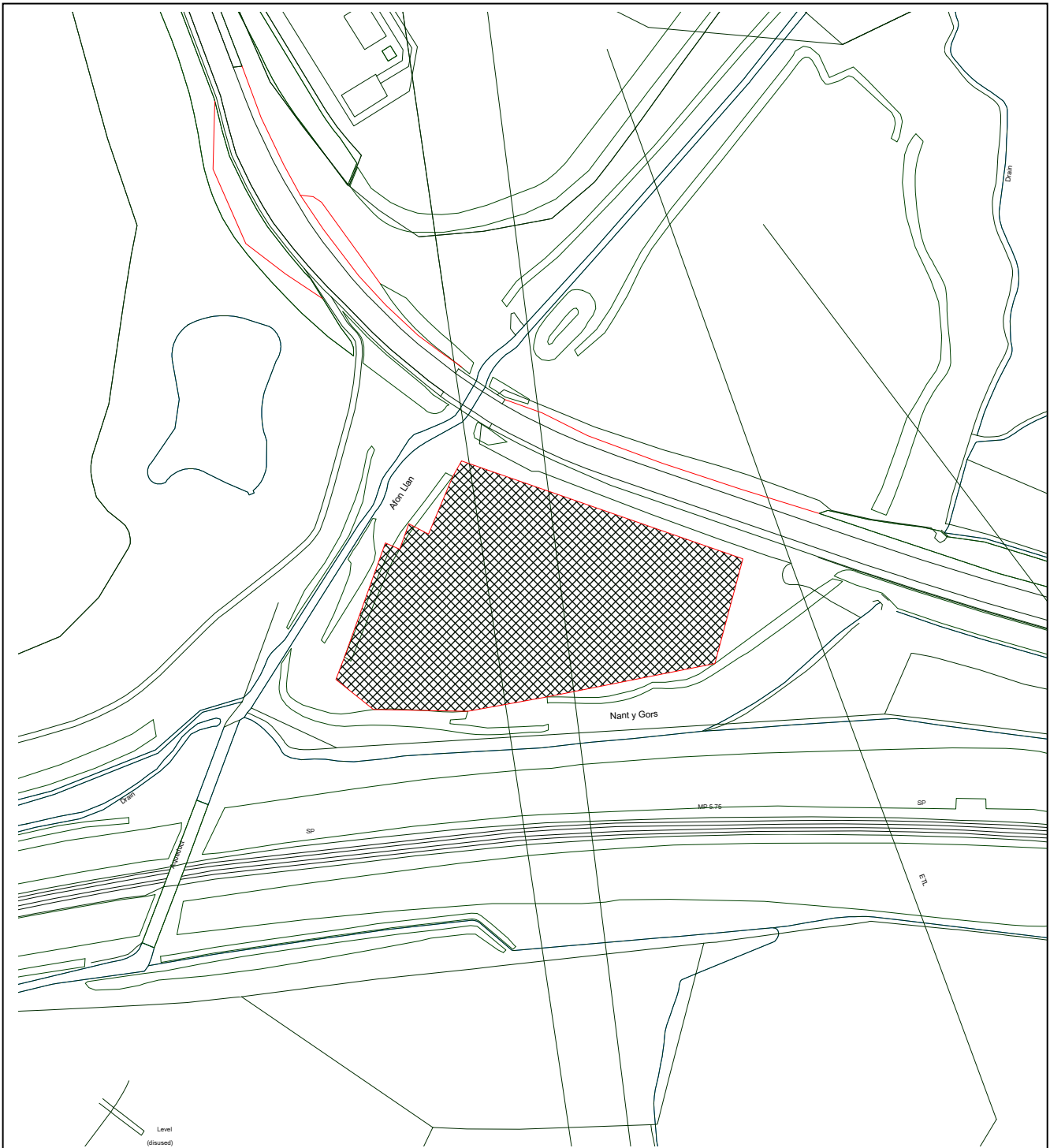
WARD:

Llangyfelach
Area 1

Location: Land to east of Felindre Business Park Felindre Swansea SA4

Proposal: Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)

Applicant: City and County of Swansea`



NOT TO SCALE

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BACKGROUND INFORMATION

POLICIES

Swansea Unitary Development Plan (UDP).

Policy EC1 Identifies the land to the west for the Felindre Strategic Business Park

Policy EV21 In the countryside non residential development will only be permitted where it can be demonstrated that:

- (i) It is beneficial for the rural economy or rural employment, or
- (ii) It meets the overriding social or economic needs of the local community, or
- (iii) It is an appropriate development associated with *farm diversification*, sustainable tourism and recreation, or nature conservation and does not adversely affect the viability of an established farm unit, or
- (iv) It provides an acceptable economic use for previously developed land or existing building(s) in accordance with Policy EC12, or
- (v) It is essential for communications, telecommunications, other forms of utility service provision, minerals or renewable energy generation.

Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural, environment and agricultural and recreational value.

Policy EV25 Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site, will not be permitted unless:

- (i) There are imperative reasons of over-riding public interest, including those of a social or economic nature, which are sufficient to override the reasons for designation, and
- (ii) There is no alternative solution.

Where such development is permitted, planning conditions and/ or obligations will be used to secure all compensatory measures necessary to ensure that the overall coherence of the European Site is protected.

Policy EV35 Development that would have an adverse impact on the water environment due to:

- (i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere, and/or
- (ii) A reduction in the quality of surface water run-off, will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented.

Sustainable drainage systems (SuDS) will be encouraged wherever they would be effective and practicable, so as to ensure that development does not increase run off, and potentially damage important landscape features and protected species and habitats. Where SuDS are not provided then any conventional drainage system utilised must improve the status quo.

Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.

Policy AS8 New park and ride facilities are proposed at the following locations:

- Carmarthen Road
- Swansea West

Extended parking facilities are proposed at the existing Landore park and ride site.

Supplementary Planning Guidance

Non Statutory Development Policy adopted by the City and Council of Swansea on 6 November 1996

LAND TO THE NORTH-WEST OF JUNCTION 46 OF THE M4 MOTORWAY AT LLANGYFELACH, INCLUDING THE FORMER FELINDRE TINPLATE WORKS, WILL BE SAFEGUARD AND BROUGHT FORWARD FOR DEVELOPMENT AS A MAJOR INWARD INVESTMENT SITE.

Amplification:

The Council is satisfied that sufficient land is identified in Development Plan allocations elsewhere to meet general industrial development needs. However, a suitable site is needed to attract a large scale inward investment which will bring major employment benefits to the region.

The Felindre site provides a unique development opportunity for such use, potentially offering a developable area up to 118 ha, high quality access to the M4 and local rail network, and a mature landscape setting free from any major development constraints.

A high standard of design, layout and environmental quality will be expected, along with proposals to minimise visual intrusion and mitigate against any adverse impact upon important local flora and fauna.

Appropriate mitigation measures would need to be identified in an Environmental Impact Assessment to be submitted with any planning application.

The land will be treated as a contingency site, for development only by a large industrial land user of high employment potential.

RELEVANT PLANNING HISTORY

2006/0773 Strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads (outline).
Planning Permission Oct. 2006

- 2007/1988 Application under Section 73 of the Act to carry out development permitted by the outline planning permission 2006/0773 dated 17th October 2006 without complying with condition 6 relating to the restriction of the minimum individual building footprint of 4,645 sq. m (50,000 sq. ft) as outlined in the Development Strategy in Section 4.2.6 of the Environmental Statement
Planning Permission Nov. 2007
- 2007/2513 Formation of a park and ride facility for DVLA staff for a temporary period of 18 months with associated portable buildings, lighting and fencing works
Temporary Planning Permission Jan. 2008
- 2009/0062 Renewal of temporary permission 2007/2513 granted on 14th January 2008 for park and ride facility for DVLA staff until September 2011
Temporary Planning Permission April 2009
- 2009/1520 Variation of condition 3 of planning permission 2006/0773 granted 17th October 2006 in order to extend period time for the submission of the reserved matters by a further two years
Planning Permission Jan. 2010
- 2009/1585 Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2011
Temporary Planning Permission Dec. 2009
- 2011/0985 Application under Section 73 of the Act to vary condition 12 under the outline planning permission 2006/0773 dated 17th October 2006 with regard to the implementation of the off-site roadworks and signal junction installation in accordance with an approved phased programme
Currently being considered
- 2011/1311 Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, this permission is for a limited period expiring on 30 November, 2012 when the use shall cease and any works carried out under this permission shall be removed.
Planning Permission June 2012
- 2011/1143 Application under Section 73 of the Act to vary conditions 1 and 3 of outline planning permission 2006/0773 (as previously varied by planning permission 2009/1520) to include the internal highway infrastructure as a reserved matter to be included in condition 1 and to vary condition 3 to allow for the phased submission of the reserved matters in accordance with the programme of phasing to be approved under condition 5 of the permission
Planning Permission 7 Oct. 2011
- 2011/1527 Construction of 33KV electricity sub station compound to serve Felindre Strategic Employment Site
Planning Permission January, 2012
- 2012/0884 Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period
Temporary Planning Permission granted Nov. 2012 for a limited period expiring on 30 June, 2014.

2012/1035 Application for the submission of reserved matters (in part) in respect of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park in accordance with condition 1 pursuant to outline planning permission under the Section 73 application 2011/1143 and details of roads/footpath levels (condition 8), 10 (landscaping), 13 (Japanese Knotweed), 14 (Site Investigation), 18, 19 & 21 (drainage) & 23 (Shared Access)
Planning Permission Nov. 2012

RESPONSE TO CONSULTATIONS

The application was advertised as a development which does not accord with the provisions of the Development Plan. ONE LETTER OF OBJECTION has been received from the Glamorgan Badger Group making the following points:

1. The Ecology Report states that some evidence of badger activity was noted on the site, however, no setts were identified.
2. Badgers are a protected species and any interference to a sett is illegal.
3. A detailed badger survey of the proposed site is vital.

Llangyfelach Community Council – no response

Natural Resources Wales - We have no objection to the proposal, but would like to offer the following comments. Prior to this application, we have provided pre-application advice to your Authority. The comments below reflect this previous advice.

Flood Risk

The site is situated within zone A on the development advice map (TAN15, July 2004) and zone 1 on our Flood Map. It is therefore not currently considered to be at risk of flooding. However the site is bounded to the north west by a Main River, the 'Afon Llan' and to the south and south east by the ordinary watercourse 'Nant y Gors'. There will be some flood or erosion risk adjacent to these watercourses. We would therefore recommend that no development takes place within any area adjacent to these watercourses or within areas identified as being at risk of flooding. As the Afon Llan is a designated Main River the prior written consent of NRW will be required for any works in, under, over or within 7m of the top of the river bank.

Surface Water Drainage

We note that it is proposed to drain surface water to the main river Llan via an attenuation pond, which is to be constructed as part of the development.

We note from the micro drainage reports (produced 25/11/13), that the development has been designed for the 100 year standard. It is normal practice for developments of this lifespan to include storage of an additional 30% to account for climate change, not the 10% as stated within the document. We would recommend that you consult with your Authority's drainage engineers further in this matter to establish whether an additional 10% is sufficient. We can confirm however, that the discharge rate of 10.4 l/s/ha into the River Llan is suitable for use. If any new headwall/ discharge point into the River Llan is required, then these works (as identified above) will require our prior written consent.

Foul Drainage

We note that a septic tank is proposed to provide some welfare facilities at the site. As there is no main public sewer available at this location, then a septic tank is considered acceptable providing ground conditions for the ancillary soakaway are suitable. The discharge from the septic tank will need to be registered with NRW. Depending on the volume of treated effluent discharged a permit may be required.

Contaminated Land

We note that a Ground Investigation Report has been submitted in support of the application which has identified sources of contamination on site. We would agree with the conclusions of the report that prior to works commencing on site, contractors should submit appropriate working methodologies and mitigation measures. Furthermore, we would agree that if during the development, any contamination is encountered, then the development should stop until a remediation strategy has been agreed and implemented.

Ecology and Protected Species

We welcome the submission of the Ecology Report dated November 2013 produced by Parsons Brinckerhoff. We note from the report that Wildwood Ecology Limited was commissioned by Parsons Brinckerhoff to undertake a Preliminary Ecological Appraisal (PEA) in relation to the above proposal and that the habitat survey of the site was carried out on the 12 August 2013.

Sections 5.12 – 5.15 of the report state that a significant number of semi-mature trees are found on site and that there are good links with the wider environment. Wildwood Ecology go on to state that there are significant opportunities across the site for bat activity, including roosting, foraging and commuting. Records for a number of different bat species are identified within 1km of the site and 'a suite of bat surveys are recommended to fully determine the impacts. However, we acknowledge that following consultation with the county ecologist the requirement to undertake bat activity surveys was ruled out.

We also note the findings and conclusions relation to dormice, which are laid out in sections 5.23 – 5.25 of the report.

We would ask that all recommendations made in Section 3 of the Ecology Report are translated into, and implemented as enforceable conditions on any planning permission your Authority is minded to grant.

The areas to be covered by planning obligation / agreement and/or conditions are as follows:

- The submission and implementation of a lighting scheme to ensure lighting measures do not conflict with potential bat use of the site, to be agreed with the LPA, prior to the start of any works on site. The scheme shall include low level lighting and, appropriate siting of lights (to ensure that vegetation along the site boundaries and any flight-paths are not illuminated). The scheme should address construction activities and the operational phase. To be implemented as agreed.
- The submission and implementation of a planting/landscaping plan to be submitted to, and agreed in writing with the LPA, prior to the start of works. This must include details of the compensation planting around the boundary of the site to ensure connectivity. To be implemented as agreed.

- The submission of pre-commencement checks of the vegetation buffer for protected species, between the site and the Afon Llan and any other vegetation buffer along the boundary; prior to the start of any works on site. These checks should be carried out by a suitably qualified ecologist. The results of the checks should be submitted to the LPA and NRW. To be implemented as agreed.

In summary, we would have no objection to the proposed development providing appropriately worded conditions are included on any planning permission your Authority are minded to grant.

Head of Pollution Control - I have no objection regarding the application for the park and share site. However I have the following observations and condition to attach please: -

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 users is not prejudiced.

I agree with the comments made with regard to the design of minor structures on the site in that an element of gas protection should be incorporated.

Highway Observations – Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)

Land to east of Felindre Business Park Felindre Swansea SA4

This application has come about as a result of the development of Felindre Business park which is taking over the area currently used as the Park and Share facility, which is a popular parking resource. The proposed site links to the M4 Junction 46 via B4489 and is approximately 0.6km from the existing site.

The provision of this parking facility for DVLA staff is of considerable benefit as it helps to address parking difficulties in the vicinity of the DVLA offices. Its continued operation will be of benefit locally, particularly as current parking provision at the DVLA has undergone alteration and alternative provision is required. The current level of use of this existing car park is significant. The car park is also open to casual non DVLA staff and has helped reduce on street parking demand within the residential areas at Penllergaer.

The proposed scheme has increased parking provision compared to the existing one but as there is a planned relocation back to the DVLA of a significant number of staff then the parking provision is of an appropriate level.

The scheme has been designed in house by City and County of Swansea staff. The layout in the main is adequate and allows for safe vehicular access/egress as well as pedestrian movements and access to the near-by bus stop. The car parking spaces however have been incorrectly detailed at 2.4m by 4.8m and the correct sizes should be 2.6m width by 4.8m length. This will result in a loss of a small number of spaces but can be secured by condition.

There is a new bus lay-by, bus stop, footways, and bellmouth access included within the application site and these works will need to be undertaken by a section 278 agreement with the Highway Authority.

With the proposed 24/7 opening hours the arrivals/departures are spread out. Currently the maximum trip generation in any one hour is 74 vehicles (pm peak) and the proposed use will generate 102 vehicles as a maximum. I do not consider that the proposal will result in any detriment to highway safety.

I recommend that no highway objections are raised to the proposal subject to:

1. The car park spaces being laid out to 2.6m width by 4.8m length.
2. The Highway works to be undertaken to Highways Authority Standards and Specification under a section 278 Agreement.

Note: The developer should contact the Network Management team on (01792) 636091 before starting any works.

APPRAISAL

Introduction

The proposed park and ride / share facility will be located to the north-west of Junction 46 of the M4 and to the east of the proposed Felindre Strategic Business Park on the site of the former Felindre Tinplate Works. The infrastructure / road layout works to the Felindre Strategic Business Park have recently been constructed (Ref:2012/1035 relates) for which outline planning permission has been granted (Refs: 2006/0773 & 2011/143) for a strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads. The application master plan for the proposed Business Park indicates the development area to be limited to 60.9 hectares and is focussed on the main brownfield area of the site formerly occupied by the Felindre tinplate works and the total floor space was to be limited to 80,065 sq. m / 861,900 sq. ft of employment floor space for specific B1 and B2 use classes.

A temporary park and ride facility for DVLA staff has operated at the Felindre Strategic Business Park since 2008 and has been expanded to incorporate the Council's 'park and share' initiative in a bid to discourage car shares parking in the residential areas around Penllergaer, Llangyfelach and Birchgrove. The p & r facility has also been used as match day park and ride for the Liberty Stadium as part of their travel plan strategy. The existing park and ride operation granted under ref:2012/0884 has capacity for 664 spaces and has a limited temporary permission expiring on 30 June, 2014 to ensure it will not prejudice the long term aspirations of UDP Policy EC1 and the vision for the Felindre Strategic employment site. The park and ride / share facility eases traffic congestion and parking pressures in and around the main DVLA site and also within the surrounding residential areas. The proposed replacement park and ride / share facility on this alternative scheme is therefore required as a permanent site and to allow the Felindre Strategic Business Park to be developed.

Description

The proposed alternative site is located approx. 0.6km to the west of the current site, and would be accessed from the B4489 to Junction 46 of the M4.

The 480 space facility would be accessed by a 7.30m wide vehicular carriageway but will be provided with off carriageway bus layby, with bus shelter, to be constructed to the east of the vehicular access which will have a segregated pedestrian access / crossing point from the car park. The buses will then be required to proceed to the Felindre Business Park roundabout for the return journey. A security gatehouse / toilet block provision will be provided and the car parking area would be enclosed with a 2.40 metre high security fence. A landscaping strip along the frontage to the B4489 is proposed and it is proposed to illuminate the car park with 11 x 8m high columns with the design specification intended to minimise light pollution. A 765m³ capacity surface water attenuation pond is proposed in the south western corner of the site. It is proposed to provide a septic tank for the proposed welfare facilities at the site. The site is traversed by high voltage electricity lines and there is also an electricity pylon within the site, and appropriate safeguarding measures are proposed within the car parking area.

Main Issues

The main issues for considerations relate to the acceptability of the proposal in land use terms having regard to its location of the development in the open countryside and the provisions of the Development Plan, the impact on highway safety, and the constraints of the site in terms of land contamination, surface water drainage and ecology. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Policy Issues

UDP Policies EV21 and EV22 seek to preserve the open countryside and restrict rural development generally to where it can be demonstrated that it is beneficial for the rural economy or rural employment, or it meets the overriding social or economic needs of the local community. The site is not allocated as part of the Felindre Strategic Business Park under Policy EC1 and therefore constitutes development within the open countryside and therefore technically is a departure from Development Plan Policy. However, the proposed park and ride facility is within the redline boundary under the outline planning permission ref:2006/0773 granted for the development of the Felindre Strategic Business Park as it was part of the former Tinplate site and therefore part of the brownfield area.

However, the application site has been excluded as part of the developable area within the Felindre Business Park Masterplan and the recently constructed infrastructure / road layout works. Notwithstanding this, having regard to the historic use of the site and also its relationship to the existing infrastructure provision within the area, namely the proposed Felindre Business Park, the B4489 and the Swansea North Electricity Sub-Station, the proposed development of the site as a park and ride / share facility is considered to be visually acceptable at this location. Additionally, as indicated the proposed replacement park and ride / share facility on this alternative scheme is required as a permanent site to allow the Felindre Strategic Business Park to be developed and therefore is considered to be a justifiable departure to the Development Plan.

Access and Highway Safety

The park and ride was first established in 2008 by the DVLA in order to alleviate on street parking issues in and around the DVLA Headquarters in Clase. Since then the park and ride facility has been extended in partnership with the Council, to incorporate a park and share facility in order to address localised problems caused by informal park and share which occurs along the M4 corridor. The current level of use is significant and helps to address parking difficulties in the vicinity of the DVLA offices and also reduce on street parking demand within the residential areas at Penllergaer and Llangyfelach. As indicated the development of the existing park and ride / share facility for the Felindre Strategic Business Park necessitates the development of an alternative site.

The scheme has been submitted and designed by the Council's Transportation Dept. and is intended to serve both as a park and ride for the DVLA and also as a park and share for use by the general public.

The proposed alternative site is located approx. 0.6km to the west of the current site, and is similarly accessed from the B4489 to Junction 46 of the M4. The scheme has been designed in house by City and County of Swansea staff. The 480 space facility would be accessed by a 7.30m wide vehicular carriageway off the B4489 and would provide adequate visibility for the 40 mph highway. The facility will be provided with off carriageway bus layby, with bus shelter, will be constructed to the east of the vehicular access which will have a segregated pedestrian access / crossing point from the car park. The buses will then be required to proceed to the Felindre Business Park roundabout for the return journey. The Council's Transportation team (as consultees) confirm that the layout is adequate and will allow for safe vehicular access/egress as well as pedestrian movements and access to the near-by bus stop. The car parking spaces however have been incorrectly detailed at 2.4m by 4.8m and not 2.6m width by 4.8m length as required under the Council's adopted parking guidelines. The required larger parking spaces may be secured by a planning condition and may result in a loss of a small number of spaces.

The application is accompanied by a Transport Statement to quantify the traffic impact along the highway network. The proposed relocation of the park and ride / share has been designed to accommodate an increase in the capacity of the car park (480 spaces as opposed to 360 spaces) but is required to serve an increase in regional staff being accommodated in the DVLA headquarters in Clase. Whilst the park and ride facility is open 24 hours a day with arrivals/departures spread out, the traffic survey accompanying the Transport Statement indicates that the maximum trip generation is during the evening peak (1600hrs – 1700hrs) and is 74 vehicles. Based on the larger car park capacity this pm peak is predicted to increase to 102 vehicles as a maximum. This relatively small increase in traffic generation may be accommodated on the existing road network without detriment to highway safety and the Council's Transportation team raise no highway objections to the proposal. Additionally, the nearest residential dwellings in Bryntywod and isolated properties in the area are located approx. 300 – 400 metres away. The traffic generation related to the park and ride facility already access the site predominantly from M4 Junction 46 and therefore would not exacerbate the existing level of activity within the area.

Other Constraints

Flood Risk

Natural Resources Wales (NRW) confirm that the site is situated within zone A on the development advice map (TAN15, July 2004) and zone 1 on their Flood Map. It is therefore not currently considered to be at risk of flooding. However the site is bounded to the north west by the Main River 'Afon Llan' and to the south and south east by the ordinary watercourse 'Nant y Gors' and NRW indicate that there will be some flood or erosion risk adjacent to these watercourses and advise that no development takes place within any area identified as being at risk of flooding.

Contaminated Land

UDP Policy EV38 states that development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.

The application is accompanied by a Ground Investigation Report which indicates that the made ground appears to have been derived from general construction arisings associated with the development of the adjacent Tin Plate works as opposed to waste / by-products from the industrial processes at the works. The Report states that laboratory testing of the made ground identified no contaminants of concern with respect to human health and the wider environment including controlled waters. The Report recommends a reactive strategy is adopted during any future construction works in order to identify and manage any previously unidentified contamination. This approach is endorsed by NRW and the Head of Pollution Control and an appropriately worded planning condition is recommended.

Ecology

UDP Policy EV2 requires the siting of new development to avoid locations that would have a significant adverse impact upon the landscape, taking into account existing site features and should undertake an assessment of species and habitats on the site and implement any necessary mitigation measures. An Ecology Report has been submitted with the application which incorporates the results of the Phase 1 Habitat Survey undertaken on the site. Additionally, specific otter and reptile surveys were undertaken.

The Report identifies the site to comprise of open scrub and grassland which is bordered by a belt of trees, with the Afon Llan and Nant-y-Gors bordering the site's western and southern boundaries respectively. The Reptile Survey identifies minimal reptile activity on the site but recommends that all clearance works should be undertaken under a watching brief by a suitably trained ecologist. The otter surveys identifies otter activity along the Afon Llan and the Report recommends that no work including the storage of materials should be undertaken within 20 metres of the Afon Llan and recommends that re-commencement checks are undertaken under supervision of an Ecological Clerk of Works along this buffer.

The development will result in the loss of areas of habitat and in order to mitigate potential impacts recommends compensatory woodland planting should be undertaken along the boundaries of the site. The Report also recommends that any lighting is utilised with baffles / filters in order to minimise light spill. There are strands of Himalayan Balsam and Japanese Knotweed along the banks of the Afon Llan which are invasive species and appropriate worded planning conditions are recommended.

The Ecological Report highlights the site as having potential foraging opportunity for badgers, but states there were limited signs of activity and no setts were observed. The Glamorgan Badger Group has submitted a representation suggesting that a detailed badger survey of the proposed site should be undertaken. The Council's Ecologist has responded to indicate that he has reviewed the survey and has previously met the ecologist who did the survey work on the site. Whilst there is some evidence of badger activity on the site (a small number of badger runs) there is no evidence of a sett and endorses the conclusion of the Report that there is no sett on the site.

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 of 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 an 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 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 we 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 this is 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 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 Environment Agency (EA) 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.

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

Other Possible Effects on CBEEMS features

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

Conclusion

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).

Conclusions

The proposed development would have an acceptable impact on highway safety, and the constraints of the site in terms of land contamination, surface water drainage and ecology. Development Plan Policy seeks to preserve the open countryside and restrict rural development generally to where it can be demonstrated that it is beneficial for the rural economy or rural employment, or it meets the overriding social or economic needs of the local community. Whilst the site is not allocated as part of the Felindre Strategic Business Park under Policy EC1 having regard to the historic use of the site and its relationship to the proposed Business Park and the associated infrastructure in the area, the development of this site as a park and ride / share facility is considered to be a justifiable departure to the Development Plan. Approval is therefore recommended as a Departure to the adopted Development Plan Policy.

RECOMMENDATION

That for the purposes of Regulation 3 of the Town and Country Planning Regulations 1992, the application be referred to the DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE with a recommendation that the Council resolves to grant planning permission, subject to the conditions indicated below:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision and shall be completed in accordance with the said application, plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 2 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 how this unsuspected contamination shall be dealt with.

Reason: To ensure that the safety of future users of the site is not prejudiced.
- 3 Prior to the commencement of development (or unless otherwise agreed with the Local Planning Authority) a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan Balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

Reason: It is an offence under Section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II.
- 4 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.

Reason: In the interests of the ecology and amenity of the area.
- 5 Notwithstanding the details indicated in the application, the dimensions of the proposed car parking spaces shall be laid out as 4.80m by 2.60m.

Reason: In order to accommodate adequate car parking width in accordance with the Council's adopted Parking Standards (March 2012).
- 6 No development approved by this permission shall be commenced until a Construction Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution to controlled waters.

- 7 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 8 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.
- Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 9 A landscaping scheme for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall be carried out within 12 months from the completion of the development, unless otherwise agreed with the Local Planning Authority. The landscaping scheme shall include compensatory planting around the site boundary. 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.
- 10 Notwithstanding the details indicated in the application the proposed means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of visual amenity and general amenity.
- 11 Notwithstanding the details indicated in the application, the detailed design of all proposed lighting / floodlighting shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details. The proposed lighting scheme shall be designed in order to minimise conflict with potential bat use of the site.
- Reason: In the interests of public safety, amenity and ecology.
- 12 Prior to the commencement of development, the initial clearance of the site shall be undertaken under a watching brief of a suitably qualified ecologist. A vegetation buffer of 20 metres to the Afon Llan shall be retained unless otherwise agreed by the Local Planning Authority.
- Reason: In the interests of environmental protection, biodiversity and the minimisation of likely significant environmental effects.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EC1, EV21, EV22, EV25, EV36, EV38, & AS8)
- 2 The Highway works will need to be undertaken to Highways Authority Standards and Specification under Agreement. The developer should contact the Network Management team on (01792) 636091 before starting any works.

PLANS

G257-201 site location plan, LS21305 horizontal illuminance levels, G257-202 general arrangement, G257-203 drainage layout, G257-204 section AA, G257-206 cross sections, G257-207 cross sections 1-3, G257-208 fencing details, G257-209 tree detailG257-210 cabin details, G257-211 existing site layout, dated 16th December 2013

Agenda Item 5

Report of the Head of Economic Regeneration & Planning

Development Management & Control Committee – 19 June 2014

Referral of Planning Application Ref: 2013/1441

From Area 1 Development Control Committee on 27 May 2014

LAND ADJACENT TO LLYS PENTRE LLANGYFELACH ROAD BRYNHYFRYD NEW PRIMARY CARE CENTRE WITH PHARMACY ASSOCIATED PARKING AND WORKS

| | |
|-----------------------------|---|
| Purpose: | To determine the application for a new primary care centre with pharmacy associated parking and works |
| Policy Framework: | National and Local Planning Policies |
| Reason for Decision: | Statutory responsibility of the Local Planning Authority |
| Consultation: | Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B |
| Recommendation(s): | Approve as set out in the report |
| Report Author: | Ryan Thomas |
| Finance Officer: | <i>Not applicable</i> |
| Legal Officer: | <i>Not applicable</i> |

1.0 Background

- 1.1 This application was reported to the Area 1 Development Control Committee on 27th May 2014, with the recommendation that the proposal was an acceptable departure from the provisions of the Development Plan and that planning permission should be granted, subject to an additional condition to provide advertisement signage at the site entrance and that the application be advertised as a departure to the provisions of the development plan. The application has been advertised in this respect although the consultation period has not, as yet, expired.
- 1.2 The Committee subsequently resolved to accept my recommendation. A plan showing the location of the application site is attached as Appendix A and a copy of my report to the Area 1 Development Control Committee is attached as Appendix B.

2.0 Planning Policy Issues

- 2.1 The site is located within the greenspace system where EV24 seeks to resist development proposals which would be likely to have a significant adverse effect on the greenspace system or which do not provide for appropriate compensatory or mitigation measures. The proposal would result in the loss of a wedge of greenspace comprising a relatively flat parcel of amenity grassland and bordering trees. There is also a large area of Japanese knotweed sited within and adjacent to the site. The site forms part of a wider EV24 designation that stretches from the rear of the car garage to the north of No.639 Llangyfelach Road.
- 2.2 The areas covered by EV24 have been defined on the basis of one or more values as defined in the policy. The parcel of land the subject of this application is considered to principally have nature conservation value, local amenity benefit and informal recreation potential.
- 2.3 The nature conservation value has been considered by the Council's planning ecologist having regard to the information submitted in the applicant's ecological assessment. The conclusions of the assessment are that the vegetation to be cleared is of low ecological value. Subject to mitigation measures as detailed in the planning ecologists comments in relation to bats and reptiles, it is considered the proposal would not have a significant impact on the nature conservation value of the greenspace system.
- 2.4 Turning to the local amenity benefit and informal recreation value, the nature of the open space being flat, surrounded by trees and accessible to the local community means that the land has high value in this respect. In terms of the local impact there is a similar sized flat parcel of land abutting the site to the east which leads onto a wooded area. This parcel of land would be unaffected by the development and would be retained as greenspace area that provides local amenity and informal recreation benefit to the local community. The Council has undertaken an open space assessment to inform the Local Development Plan. This assessment identifies that Mynyddbach has a surplus of formal open space provision when assessed against the Fields In Trust standard of 2.4 hectares of open space per 1000 head of population. It is further noted that the area surrounding the application site is well served by both open space and outdoor play provision and the potential loss of the greenspace land would not result in any material deficiency in this area of the ward where the majority of properties are sited within 300 metres of open space provision.
- 2.5 Notwithstanding this given the scale of the proposal, and the associated loss of an area which has amenity value and informal recreation value to the community, it is considered that the development would have a significant impact on the greenspace system. The acceptability of the development must therefore be balanced against the compensatory and mitigation proposed by the developer together with the community benefit that would arise from the proposed development in terms of providing a modern health care facility.

- 2.6 The mitigation proposed would amount to the treatment of Japanese knotweed within the site area, and improvements proposed to the exist car park including the provision of street lighting. The treatment of the Japanese knotweed within the application site would not result in any wider improvements to the remaining areas of greenspace within the locality. Whilst the improvements to the existing car park are noted and welcomed, these measures would not, it is considered, provide satisfactory mitigation for the loss of the greenspace area proposed.
- 2.7 An appropriate balance must therefore be struck when weighing up the loss the greenspace area and the associated impacts this would have on the community against the positive benefits that would arise from the development. In light of the good level of usable and accessible open space provision within the area as described above, on balance, it is considered the loss of this greenspace area would not be so significant upon the community that it would outweigh the positive benefits that would arise from the development. In making this assessment some weight has been given to the responses from the applicant's public consultation event and the responses to the planning application consultation, which have not raised any significant concerns in respect of the loss of the greenspace area.
- 2.8 Having regard to these material considerations, on balance, it is considered the impact of the development would not be so materially adverse to the greenspace system, or to the community which it serves, to warrant the refusal of the application for this reason. It is therefore considered that the principle of the proposed development is acceptable in this instance as a Departure from the provisions of the Unitary Development Plan.

3.0 RECOMMENDATION

- 3.1 That, subject to there being no new material planning objections in relation to the principle of development on the greenspace system, planning permission be granted subject to the conditions detailed in my report to the Area 1 Development Control Committee on 27th May 2014 attached as Appendix B together with an additional condition to provide advertisement signage at the site entrance.

Background Papers

Local Government Act 1972 (Section 100) (As amended)

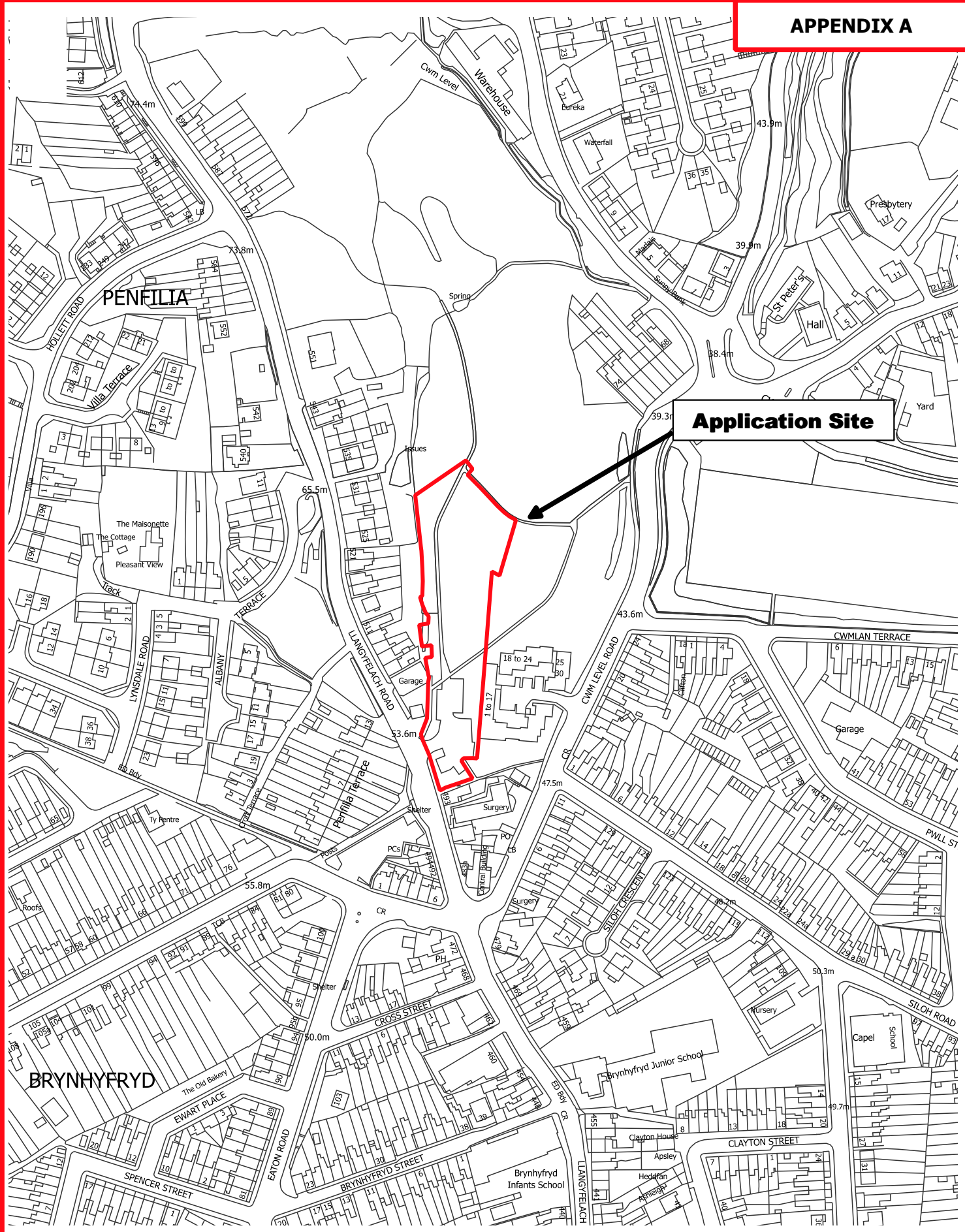
The following documents were used in the preparation of this report:

Application file, together with the files and documents referred to in the background information section of the appended Development Control Committee report.

Appendices

Appendix A – Map

Appendix B – Committee Report



Planning Application No. 2013/1441
Land adjacent to Llys Pentre, Llangyfelach Road,
Brynhyfryd, Swansea
Page 29

Scale 1:2500 @ A4

Phil Homes, BSc (Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning
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APPENDIX B

ITEM

APPLICATION NO.

2013/1441

WARD:

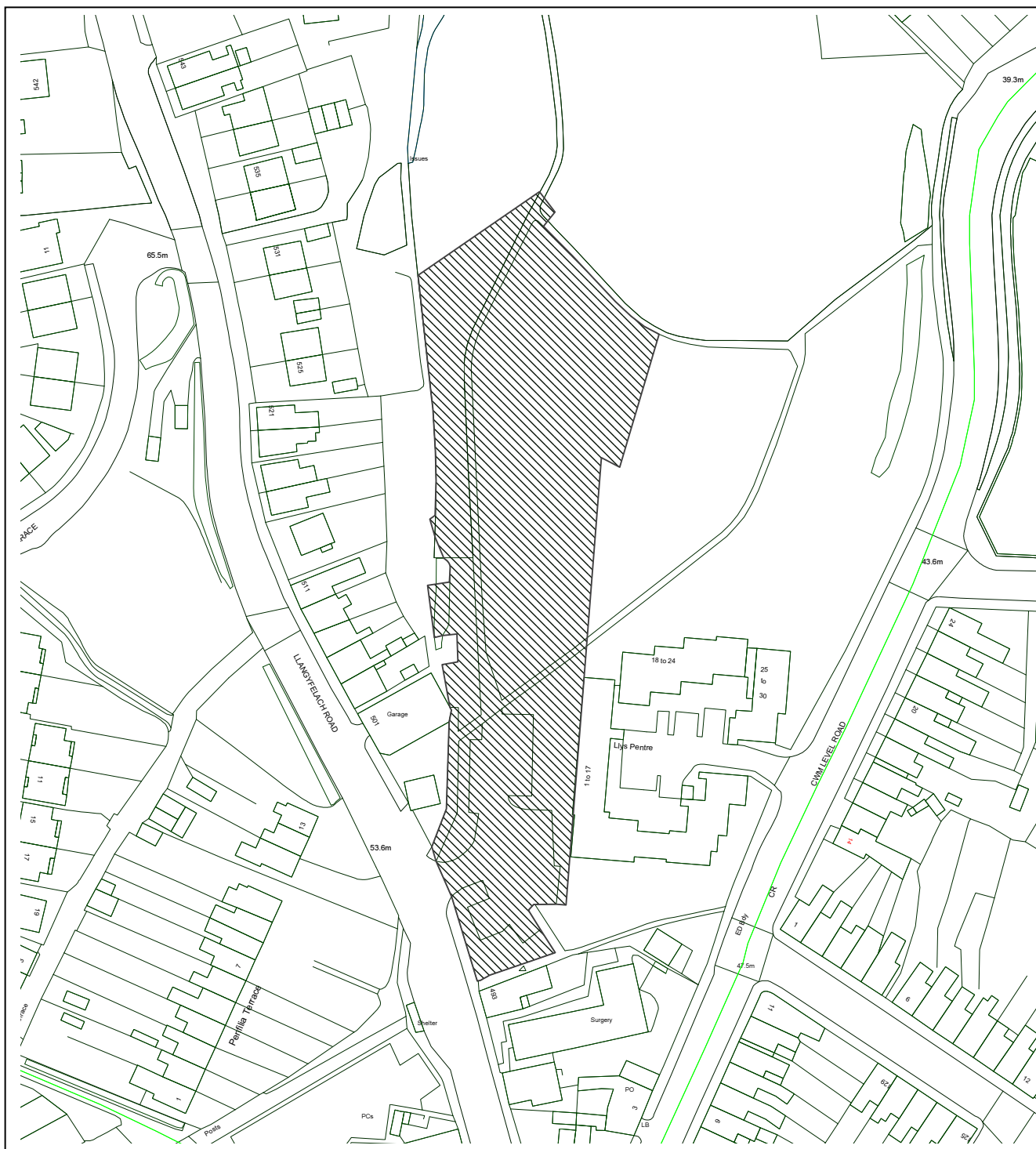
Mynyddbach

Area 1

Location: Land adjacent to Llys Pentre Llangyfelach Road Brynhyfyd Swansea

Proposal: New primary care centre with pharmacy associated parking and works

Applicant: HPC Wales



NOT TO SCALE

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BACKGROUND INFORMATION

POLICIES

| Policy | Policy Description |
|---------------|--|
| Policy AS1 | Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008) |
| Policy AS2 | Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008) |
| Policy AS6 | Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EC6 | The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EV1 | New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008). |
| Policy EV2 | The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008). |
| Policy EV3 | Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EV24 | Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EV30 | Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008) |

SITE HISTORY

| App No. | Proposal |
|----------------|---|
| 90/1025/11 | ENVIRONMENTAL IMPROVEMENT SCHEME - PROVISION OF CAR PARK AND ASSOCIATED LANDSCAPING Decision: *HGDP - GRANT DEEMED PERMISSION Decision Date: 21/08/1990 |

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| 89/0703/11 | RESIDENTIAL DEVELOPMENT. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/08/1989 |
| 89/0816/11 | RESIDENTIAL DEVELOPMENT. Decision: *HGDP - GRANT DEEMED PERMISSION Decision Date: 25/08/1989 |
| 87/1017/11 | PUBLIC OPEN SPACE, INFORMAL GRASS AREAS, MASS TREE PLANTING + SMALL CAR PARK. Decision: *HGDP - GRANT DEEMED PERMISSION Decision Date: 11/08/1987 |
| 89/1160/03 | 30 RESIDENTIAL UNITS FOR THE ELDERLY. Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 24/05/1990 |
| 78/0856/03 | PUBLIC OPEN SPACE AND LANDSCAPING Decision: *HGDP - GRANT DEEMED PERMISSION UNCOND Decision Date: 31/08/1978 |

RESPONSE TO CONSULTATIONS

The application was advertised in the press, on site and seventeen neighbouring properties were consulted. TWO LETTERS OF OBJECTION have been submitted which include ONE PETITION OF OBJECTION WITH TWENTY FIVE SIGNATURES. The letters are summarised below:

1. Concerns there may be no rear access to properties on Llangyfelach Road.
2. Concerns the proposal may cause noise, disturbance and loss of light to residents of Llys Pentre.
3. Request a palisade fence is erected running along the back of 1-24 Llys Pentre.
4. Concerns cars could roll down from the car park to Llys Pentre.

Other consultation responses:

Coal Authority

The applicant has submitted a Geo-technical and Geo-environmental Report (April 2012) which accompanies this planning application. The Geo-technical and Geo-environmental Report (April 2012) covers a wider site area than the application site and therefore identifies risks which have not been identified in the Coal Authority records for the application site.

When considering this particular proposal; whilst there are recorded mining features within the application site, the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area.

The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

The Coal Authority would recommend that an Informative is included within the decision notice.

Pollution Control Division

Recommends a condition for the submission of a Construction Pollution Management Plan and informatives in relation to the construction period in order to minimise nuisance to neighbours.

Environment Officer

Recommends a condition for the submission of a scheme to eradicate the Japanese Knotweed on the site.

Drainage and Costal Management

The submitted strategy is entirely reliant on DCWW accepting a surface water connection from the development site and then on what rate they find acceptable. It may be that they consider the proposed rate of 5l/s too high for the receiving system which will increase the amount of attenuation storage required, our recommendation is that DCWW be contacted and agreement in principle for the connection and the rate is sought as soon as possible.

Subject to the caveat that DCWW agree to the surface water connection and the rate we recommend a standard surface water drainage condition be appended to any permission given, should DCWW permission not be given we ask to be re-consulted.

Dwr Cymru Welsh Water

Recommend, if approved, that standard conditions are included together with the specific requirement that Surface water discharges shall only be permitted to discharge to the public surface water sewerage system at an attenuated rate of 5 litres per second using a suitable flow control device.

Planning Ecologist's Comments

The surveyor found the area generally to be of low ecological value. However the surveyor did note that there are some areas around the periphery of the site that may contain reptiles. As reptiles are protected under the Wildlife and Countryside Act we should add a condition to any permission that a mitigation statement is drawn up and submitted to the LPA for approval. This should contain instructions for the reduction of the height of vegetation to encourage reptiles to leave the site, instructions for the removal of any likely refugia and the re-homing of any animals caught. The woodland edge is likely to be used by foraging bats any lighting scheme should be designed to prevent excessive light spill. Bats are deterred by increased light levels. There may be nesting birds in some of the scrub and trees to be cleared, as such a bird informative should be included with any planning permission.

South Wales Police Crime Prevention Design Advisor

Comments have been provided in respect of a number of general security issues the majority of which have been addressed in the submission or would be outside of the control of planning.

Natural Resources Wales

The ecological report states that the works will be mainly within an area of species-poor amenity grassland, although a small amount of woodland will be lost on the eastern side of the application site. The woodland to the east boundary are likely to provide communing and foraging opportunities for bats. NRW recommend the submission and implementation of a lighting scheme to be agreed with the LPA Ecologist, prior to the start of any works on site. The scheme shall include appropriate siting of lights, to ensure that woodland and boundary features are not illuminated. The scheme should address construction activities and the operational phase.

NRW also recommend a condition in respect of the submission of a scheme to eradicate Japanese knotweed.

Highways Observations

1. Introduction

This application for the construction of a primary care centre with associated car parking works is proposed on land to the north of the existing Brynhyfryd Surgery and car park and to the rear of Brynhyfryd car sales.

The proposed health facility is located within the centre of Brynhyfryd and is supported by good public transportation links and local amenities. For a development of this size and nature, parking is an issue which must be thoroughly considered, and staffing levels (including a breakdown of practitioners and others) were needed to assess the required parking numbers in accordance with CCS adopted parking standards. The proposed staffing levels are 15 full time staff and 10 part time staff. The surgery opening hours are 08.30 to 18.00 Monday to Friday and the pharmacy will be open 09.00 to 18.15 Monday to Friday and 09.00 to 12.00 on a Saturday.

The applicants sought pre-application advice and were advised that a full Transport Assessment (TA) would be required in order to quantify the impact on the adjacent Highway Network. The subsequent Planning Application was supported by a full TA produced by Atkins.

Access to the site is directly off Llangyfelach Road using the existing priority junction access to the surgery and car park. The redevelopment of the current surgery building is not included within this application site although the existing car park is being retained and upgraded within this application. .

A pharmacy is included within the proposed uses.

2. Transport assessment

The trip calculation for the development has been carried out by the use of TRICS which is the nationally accepted methodology for predicting trip generation. The trips have been calculated on the basis that there are 7 full time practitioners, 7 ancillary staff and 4 part time staff.

Existing development

The existing surgery traffic/car park (which has five doctors) was surveyed in September 2013 and the following observations were made.

- The existing car park was busy most of the time and was close to or at capacity for periods between 10.30 and 11.30.
- Health care users accounted for 50% approximately of all vehicular movements into the car park.
- The independent surveys undertaken compare well when comparing to the CCS documented flows on the adjacent highway.
- The maximum a.m. peak flows currently are 32, with the p.m. peak generating 29. The maximum trips in any one hour is between 10.00 and 11.00 and that generates 47 two-way trips

Given that the existing surgery building is to be retained then all trips to the new development have been treated as 'new' on the Network. This should give a robust set of results. The split between vehicles travelling north and south have been proportioned using existing surveyed data to arrive at a total number of extra vehicles on the highway network.

Proposed development

Based on the TRICS staffing levels for Health surgery the anticipated traffic flows are calculated to be 55 in the am peak, 66 in the intermediate peak between 10.00 and 11.00 and 40 in the p.m. peak. This equates to a maximum average of just over one vehicle per minute in the intermediate peak between 10.00 and 11.00.

The priority junction access/egress to the site from B4489 Llangyfelach Road was assessed using Picady 8 which is standard software package for calculating queues at Priority Junctions. Using the geometry from the submitted plans in the report and also the traffic figures the results obtained in output shows that there are negligible queues and the RFC's (Ratio Flow Capacity) are well within the threshold values of 0.85.

The priority junction assessment demonstrates that it is well within capacity because there is negligible queuing within the site and the RFC values are so low. This means that this development has very little impact on movements into and out of the site.

The main junction at Brynhyfyd Square has been also been tested and remains approaching capacity as is the current situation. The access to the site is protected by 'Keep Clear' Markings on the road and these are to be retained.

It is not considered that the traffic resulting from the proposed development will give rise to any highway safety concerns.

3. Parking

Parking for 26 vehicles is available within the curtilage. There is disabled provision for 5 vehicles which is above the 5% minimum requirements but given the use as a surgery it is an appropriate level.

The proposed parking provision of 26 spaces is twelve spaces short of that required according to our adopted parking guidelines (38). The spaces however are incorrectly detailed at 2.4m width whereas the correct dimension should be 2.6m. This can be secured by condition although it may result in the loss of a few spaces and possibly require an amended layout. However, there is an existing car park housing approximately 20 cars (although four of the spaces are reserved for residential use) which is included within the red edged outline so it is assumed that the applicant has control over this area. On that basis it has been decided that parking provision in this instance is adequate subject to an amended layout. There is also a satisfactory cycle storage facility and disabled parking provision within the curtilage of the site.

There is parking being made available for an ambulance but no detail regarding servicing and deliveries. Since the car park is quite constrained with no through route I would suggest that a servicing management plan be submitted for approval outlining how the servicing and deliveries are to be managed. I would also suggest that this covers times of deliveries to avoid peak appointment times within the surgery

Access to the proposed development and associated car park will be via an existing public car park facility hence there are no highway safety issues regarding visibility. The current access is open plan and affords good visibility in both directions, I do not wish any changes to be made to this aspect.

4. Conclusion

I do not consider that the development will give rise to any highway safety concerns. Whilst there will be additional traffic on the road it has been shown that the relatively small scale impact of the development will not lead to any significant increase in congestion given the existing high volume of traffic movements through Brynhyfryd Square. Overall there is adequate parking taking into consideration the existing car park. The travel plan will help highlight alternative forms of transport to the site, and the proximity of the site to local bus services together with the provision of cycle parking will help provide viable alternatives to driving to the surgery.

5. Recommendations

On balance, I recommend no highway objection to this application subject to:

1. The five car parking spaces shown for disabled use to be laid out in accordance with the current British Standard.
2. The cycle parking to be implemented prior to beneficial occupation of any part of the units.
3. The car park (both the existing and proposed) to be laid out in accordance with the details to be submitted for approval to the LPA showing the car parking spaces in at the correct dimensions of 2.6m width by 4.8m length (and not as shown on the submitted drawings) prior to beneficial occupation of any part of the development.

4. In the interests of both pedestrians and vehicles accessing the site the car parking area shall be lit in accordance with details to be submitted for approval to the LPA, prior to beneficial occupation of any part of the development.
5. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
6. The boundary along Llangyfelach Road shall remain open plan and unimpeded in the interests of visibility and to allow two way movements into and out of the site at all times to minimise any obstruction being caused on Llangyfelach Road.
7. A servicing management plan be submitted for approval to the LPA outlining how the deliveries are to operate to avoid peak times on the highway network and at the surgery itself.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Ceinwen Thomas in order that Members can consider access and highway safety issues.

This application seeks planning permission for the construction of a new primary health care centre, including a pharmacy, with associated parking and works at land adjacent to Llys Pentre, Llangyfelach Road.

The application site forms part of a green area which runs to the rear of Llangyfelach Road it also includes the public car park which is used in association with the existing surgery. The existing Brynhyfryd Surgery is located to the south of the existing car park and would no longer be used for this purpose, should planning permission be granted and the development brought into use.

The proposal would consist of a part single storey part two storey mono-pitched design building that would accommodate Brynhyfryd Surgery, a treatment room and supporting spaces for Abertawe Bro Morgannwg Health Board together with an associated pharmacy. Externally there will be a new parking area, a re-arrangement of the existing parking area, the provision of a footpath to the west of the building, engineering works to facilitate a level platform for the development and a boundary enclosure around part of the perimeter of the site.

The application is accompanied with details of alternative sites that were considered to accommodate the proposed development and there have been extensive consultations with the Council's Estates section in this regard. According to the submission, the site is considered to be the preferred location which best meets the criteria of accessibility, sustainability, complementary adjacent uses, availability and affordability.

A public consultation event was undertaken in November 2010 and a summary of the results are outlined in the design and access statement. The consultation identified that the existing surgery is too small. The location for the development was considered by respondents to be acceptable and the inclusion of a pharmacy was considered to be of benefit.

Main Issues

The main issues in respect of the consideration of this application are as follows: the appropriateness of the proposed development in this location given its designation as greenspace land under City and County of Swansea (UDP) policy EV24 (Greenspace System) and having regard to the appropriateness of the development and its compliance with UDP policy HC15 (Community and Health Facilities); the impact on the character and appearance of the area; the impact on the residential amenity of neighbouring occupiers and the impacts of the development on access and highway safety.

In addition to the above UDP policies the following policies are relevant to the consideration of this proposal: EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Trees, Woodland and Hedgerow Protection), AS1 (New Development Proposals), AS2 (Design and Layout), AS6 (Parking) and EC6 (Local Shopping Centres and Neighbourhood Facilities).

The site is located within the greenspace system where EV24 seeks to resist development proposals which would be likely to have a significant adverse effect on the greenspace system or which do not provide for appropriate compensatory or mitigation measures. The proposal would result in the loss of a wedge of greenspace comprising a relatively flat parcel of amenity grassland and bordering trees. There is also a large area of Japanese knotweed sited within and adjacent to the site. The site forms part of a wider EV24 designation that stretches from the rear of the car garage to the north of No.639 Llangyfelach Road.

The areas covered by EV24 have been defined on the basis of one or more values as defined in the policy. The parcel of land the subject of this application is considered to principally have nature conservation value, local amenity benefit and informal recreation potential.

The nature conservation value has been considered by the Council's planning ecologist having regard to the information submitted in the applicant's ecological assessment. The conclusions of the assessment are that the vegetation to be cleared is of low ecological value. Subject to mitigation measures as detailed in the planning ecologists comments above in relation to bats and reptiles, it is considered the proposal would not have a significant impact on the nature conservation value of the greenspace system.

Turning to the local amenity benefit and informal recreation value, the nature of the open space being flat, surrounded by trees and accessible to the local community means that the land has high value in this respect. In terms of the local impact there is a similar sized flat parcel of land abutting the site to the east which leads onto a wooded area. This parcel of land would be unaffected by the development and would be retained as greenspace area that provides local amenity and informal recreation benefit to the local community. The Council has undertaken an open space assessment to inform the Local Development Plan. This assessment identifies that Mynyddbach has a surplus of formal open space provision when assessed against the Fields In Trust standard of 2.4 hectares of open space per 1000 head of population. It is further noted that the area surrounding the application site is well served by both open space and outdoor play provision and the potential loss of the greenspace land would not result in any material deficiency in this area of the ward where the majority of properties are sited within 300 metres of open space provision.

Notwithstanding this given the scale of the proposal, and the associated loss of an area which has amenity value and informal recreation value to the community, it is considered that the development would have a significant impact on the greenspace system. The acceptability of the development must therefore be balanced against the compensatory and mitigation proposed by the developer together with the community benefit that would arise from the proposed development in terms of providing a modern health care facility.

The mitigation proposed would amount to the treatment of Japanese knotweed within the site area, and improvements proposed to the exist car park including the provision of street lighting. The treatment of the Japanese knotweed within the application site would not result in any wider improvements to the remaining areas of greenspace within the locality. Whilst the improvements to the existing car park are noted and welcomed, these measures would not, it is considered, provide satisfactory mitigation for the loss of the greenspace area proposed.

An appropriate balance must therefore be struck when weighing up the loss the greenspace area and the associated impacts this would have on the community against the positive benefits that would arise from the development. In light of the good level of usable and accessible open space provision within the area as described above, on balance, it is considered the loss of this greenspace area would not be so significant upon the community that it would outweigh the positive benefits that would arise from the development. In making this assessment some weight has been given to the responses from the applicant's public consultation event and the responses to the planning application consultation, which have not raised any significant concerns in respect of the loss of the greenspace area.

Having regard to these material considerations, on balance, it is considered the impact of the development would not be so materially adverse to the greenspace system, or to the community which it serves, to warrant the refusal of the application for this reason. In this respect the proposed development is considered to be an acceptable departure to the provisions of UDP policy EV24.

As indicated above, UDP Policy HC15 is a key policy consideration in the determination of this application. It states that proposals for new and improved local community and health facilities will be supported provided:

- (i) The facility is accessible to the community it is intended to serve, and where practicable located within a District, Local or Village Centre,
- (ii) The proposal will have no significant impact on the amenity of surrounding uses, particularly residential, by reason of visual appearance, scale and noise,
- (iii) There would be no significant adverse impact on natural heritage and the historic environment, and
- (iv) The site and surrounding road network is capable of accommodating any additional vehicular traffic likely to be generated by the proposal without damage to the local environment or road safety.

Dealing with the main aspect of the proposal; the development proposes a modern care facility that, in principle, would provide improved health facilities for the local and wider community.

With regards to criteria (i), the amplification to the policy states that the Council recognises the importance of locating community and health facilities in close proximity to the communities they are intended to serve, so they can be more readily reached by walking, cycling and public transport. The application site is located on the edge of the Llangyfelach Road local centre. It is close to surrounding residential areas and the shops in the local centre. The site is also highly accessible for a range of transportation modes. In this respect the proposal would accord with criteria (i) of policy HC15.

With regards to criteria (ii), the proposal is for a modern design building comprising of two mono-pitched structures connected by a small flat roof element. The building would be part single storey, part two storey in scale and the low pitched roof elements would serve to minimise its prominence and impact on the surrounding residential context. The form and the scale of the monopitched roofs mark this building as a community facility.

Brynhyfryd Surgery and staff facilities would be placed in the two storey block parallel to the eastern boundary. The pharmacy, health board treatment room, support room and ancillary facilities would be accommodated in the wider single storey block parallel to the western boundary. Between the two blocks is a wedge shaped waiting area with the Surgery's treatment room and operations room on the northern edge.

The materials for the development will comprise a mix of brick and coloured renders to define and break up the various components of the building. The Colours have not yet been finalised but the brick is intended to take local stone as a starting point and the render will inject colour to the elevations. The roof will be aluminium standing seam to give a modern but muted natural finish which will weather to a mid grey. Windows are proposed to be aluminium framed in a mid/dark grey colour.

The front (south) elevation of the building would face onto and provide natural surveillance of the new car park area. The rear (north) elevation would face onto the footpath to the rear with the greenspace beyond. The west side elevation would face a new footpath to be constructed around the western perimeter of the building with the properties on Llangyfelach Road beyond. The east elevation would face onto the woodland which stretches down to Cwm Level Road.

The modern design of the building and the choice of materials should ensure that the development is clearly identifiable as a modern community facility, whilst being sympathetic to the scale of the residential context and the natural backdrop within which the development would be sited. The Council's urban designer has noted that improvements should be made to the scheme through the provision of lighting to the footpath along the western perimeter and the provision of a more visually appropriate boundary enclosure for the development in place of the proposed palisade style fencing. Furthermore it is considered the addition of vertical panels to the front elevation (south) elevation of the building would serve to break-up the elevation and provide a contrast to the proposed brick finish. These elements can be secured by planning conditions.

Overall in terms of its visual impact the development is considered to be of good design quality, is appropriate to the local context, and has regard to the physical features and topography of the site. In this respect it is not considered that the development would have a significant detrimental impact on the character or appearance of the area and is considered to be in accordance with UDP policies EV1 and EV2.

In terms of the impacts of the development on the residential amenities of surrounding occupiers, the development does have the potential to introduce some additional noise and disturbance to surrounding occupiers on Llangyfelach Road and Llys Pentre. This would mainly be in the form of noise from cars and other vehicles. In view of the separation distances to the properties on Llangyfelach Road to the west, whose gardens and dwelling are sited at a higher land level than the application site, it is considered that any resultant additional noise and disturbance would not be so materially adverse to living conditions of these occupiers that it would justify the refusal of the application for this reason. In making this assessment consideration has also been given to the relatively high ambient noise levels in this area given the proximity of Llangyfelach Road which is a main arterial route into Swansea together with the noise and general activity that is to be expected in such close proximity to a local centre. The nature of the use is such that it would not be open in the late evenings which would also serve to mitigate any significant impacts to neighbouring occupiers. In this respect it is recommended that the hours of opening for the development are restricted by a planning condition.

Turning to the impacts on the residents of Llys Pentre, the existing footpath from the site to Cwm Level Road separates the development and Llys Pentre. It is considered a satisfactory separation distance would be maintained from the new parking area to the flats to ensure that there would be no significant noise or disturbance to the occupiers of this development.

The siting of the proposed building at over 30 metres from neighbouring dwellings would ensure that the development would not result in any overbearing, overshadowing or overlooking impact to neighbouring occupiers. Car park users would have some views of the rear of the properties on Llangyfelach Road, given the elevated siting of these dwellings above the application site, however, in view of the separation distances achieved and the change in levels, it is not considered there would be any significant loss of privacy to the occupiers of these dwellings. Similarly it is not considered the proposed use would result in any significant loss of privacy to the residents of Llys Pentre over and above that already experienced due to the proximity of the existing footpath which runs from the site to Cwm Level Road.

In view of the above, it is considered that the proposed development would be in accordance with criteria (ii) of UDP policy HC15 and would accord with UDP policies EV1 and EV2.

In respect of criteria (iii) which relates to the impacts of the development on natural heritage and the historic environment, the impact on nature conservation are discussed above. The submission includes a Tree Report which identifies a number of trees which may need to be removed, in particular on the eastern side of the new car parking area in order to facilitate the development. These trees are identified as T1, T2, T25, T26 and T27, T28, and G5 (tree). Whilst these trees are not protected by a Tree Preservation Order, their removal would have a detrimental impact on the appearance of the area, although this would not be significant given the wider wooded backdrop of the development. Notwithstanding this, any loss of trees in this area would need to be mitigated through replacement planting. It is recommended that a landscaping condition is included with any planning permission to ensure there is satisfactory mitigation planting for the loss of these trees and to provide satisfactory landscaping for the site in general. Furthermore, suitable tree protection measures will need to be put in place to ensure the trees surrounding the site to be retained are suitably protected during the construction phase.

In term of the impact of the development on the historic environment, it is not considered the proposal would raise any issues in this respect.

Having regard to the above and subject to conditions it is not considered that the proposed development would have no significant adverse impact on natural heritage or nature conservation and would therefore be in accordance with criteria (iii) of UDP policy HC15 and EV30.

In respect of criteria (iv) the Head of Transportation and Engineering has considered the applicants transport assessment (TA) and accompanying plans. The trip calculation for the development has been carried out by the use of TRICS which is the nationally accepted methodology for predicting trip generation. The anticipated traffic flows are calculated to be 55 in the am peak, 66 in the intermediate peak between 10.00am and 11.00am and 40 in the pm peak. This equates to a maximum average of just over one vehicle per minute in the intermediate peak between 10.00am and 11.00am.

The priority junction access/egress to the site from B4489 Llangyfelach Road was assessed using Picady 8 which is standard software package for calculating queues at Priority Junctions. Using the geometry from the submitted plans in the report and also the traffic figures the results obtained in output shows that there are negligible queues and the RFC's (Ratio Flow Capacity) are well within the threshold values of 0.85.

The priority junction assessment demonstrates that it is well within capacity because there is negligible queuing within the site and the RFC values are so low. This means that this development has very little impact on movements into and out of the site.

The main junction at Brynhyfryd Square has also been tested and remains approaching capacity as is the current situation. The access to the site is protected by 'Keep Clear' Markings on the road and these are to be retained.

In light of the above, it is not considered that the traffic resulting from the proposed development will give rise to any highway safety concerns.

Turning to parking considerations, the proposed parking provision of 26 spaces is twelve spaces short of that required according to our adopted parking guidelines. Furthermore the spaces are incorrectly detailed at 2.4m width whereas the correct dimension should be 2.6m. This discrepancy can be secured by a planning condition, although it may result in the loss of a few spaces and possibly require an amended layout. However, there is an existing car park adjacent to the site which accommodates approximately 20 cars (although four of the spaces are reserved for residential use) and a further public car park on the opposite side of Llangyfelach Road, accessed via Penfilia Road. On this basis, on balance, it is considered that the parking provision for the development is adequate subject to the submission of an amended layout. There is also a satisfactory cycle storage facility and disabled parking provision within the curtilage of the site.

There is parking being made available for an ambulance but no details regarding servicing and deliveries. Since the car park is quite constrained with no through route the Head of Highways and Transportation has recommended that a servicing management plan should be submitted for approval outlining how the servicing and deliveries are to be managed.

Access to the proposed development and associated car park will be via an existing public car park facility hence there are no highway safety issues regarding visibility. The current access is open plan and affords good visibility in both directions.

In light of the above and subject to the requirements specified in the Highways Observations detailed above, which may be secured by planning conditions and informatives, the proposed development is considered to be acceptable in terms of parking and highway safety and would be in accordance with UDP policies EV3, AS1, AS2, AS6 and criteria (iii) of HC15.

The proposal includes an associated pharmacy. Whilst this would be located outside of the local centre it would be sited in close proximity to and easily accessible from the local centre. There is an existing pharmacy in the local centre which is likely to be affected by the proposals, however, the overall impact of the development would not, it is considered, have a detrimental impact on the vitality, viability and attractiveness of the shopping centre, indeed the provision of an enlarged care facility in this location may serve to increase associated activity and footfall within the local centre. In this respect it is considered that the proposal would not be contrary to UDP policy EC6 which seeks to encourage small scale local shopping and neighbourhood facilities within local shopping centres.

Other Issues

Concerns have been raised in a letter of objection that the development may remove access to the rear of properties on Llangyfelach Road. Whilst this is not a planning matter it is noted a footpath is being provided along the western boundary of the site as such access to the rear of properties on Llangyfelach Road should not be affected by the development.

A request has been made by the residents of Llys Pentre for the provision of a fence sited to the rear of the existing car park and within the grounds of Llys Pentre. The grounds of Llys Pentre are outside of the application site area and there is vegetation at the rear of the existing car park which serves as a buffer to the flats. Therefore there is not considered to be satisfactory justification on planning grounds to require the provision of a new fence in this location.

Concerns have been raised in a letter of objection regarding the potential for cars to roll down to Llys Pentre from the development. Whilst this scenario is considered to be highly unlikely it is noted a kerb upstand will be sited at the rear of the proposed car park nearest to Llys Pentre which should serve to prevent this situation arising.

As noted above there is Japanese knotweed on the site and it is recommended that a planning condition is placed on any planning permission for a scheme to eradicate this invasive plant within the site. However, it should be noted the treatment of the Japanese knotweed outside of the application site can not be secured by a planning condition.

In terms of drainage, the applicant has, upon request, provided additional drainage information which confirms that the applicant will be discharging surface water at an attenuated rate to the public sewer. DCWW have confirmed this is acceptable subject to conditions, which will be included, should planning permission be granted, together with a standard surface water drainage condition recommended by the Council's drainage officer.

The Pollution Control Division has recommended that a construction pollution management plan be submitted in order to ensure the development is constructed having regard to the potential for pollution and nuisance to surrounding occupiers. This is considered to be a reasonable request in view of the proximity of surrounding residential properties to the development.

The potential impact of the development on foraging bats has been noted by the Council's planning ecologist and NRW, furthermore, there are some areas which may contain reptiles. It is therefore recommended that planning conditions are included with any planning permission in respect of the requirements for a lighting scheme to be provided and the provision of a mitigation statement to address the potential for reptiles at the site.

Conclusion

The proposed development is considered to be satisfactory in terms of its impacts on visual amenity, residential amenity, access and highway safety. The proposal would be sited on a greenspace area, the loss of which must be balanced against the benefits to the community associated with the provision of a modern health care facility for the community. Having regard to all material planning considerations the development is considered to be an acceptable departure to UDP EV24 and would be in accordance with the residual UDP policies identified above. It is not considered the provision of the Human Right Act would raise any further material planning considerations as such the application is recommended for conditional approval.

RECOMMENDATION

That the application be referred to the DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE prior to being advertised as departure to the Development Plan with a recommendation that it be APPROVED subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 Notwithstanding the details indicated on the approved plans prior to any superstructure works commencing on site the materials used for the external surfaces of the development, which shall include the provision of vertical banding to the front (south) elevation, shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed in accordance with the approved details.
Reason: In the interests of visual amenity.

- 3 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 and completed in accordance with the approved scheme.
Reason: In the interests of the ecology and amenity of the area.

- 4 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 5 Surface water discharges shall only be permitted to discharge to the public surface water sewerage system at an attenuated rate of 5 litres per second using a suitable flow control device, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To prevent hydraulic overloading of the public foul / combined sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 6 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site.
- Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 7 Prior to the commencement of development, or unless otherwise agreed in writing, details of a lighting scheme for the development during the construction phase and a scheme for permanent lighting at the development, which shall include the provision of lighting for the car park and along the western boundary adjacent to the footpath shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to the beneficial use of the development hereby approved.
- Reason: In the interests of ecology and residential amenity
- 8 Notwithstanding the details indicated on the approved plans the means of enclosing the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the development. The development shall be completed in accordance with the approved details.
- Reason: In the interests of visual amenity.
- 9 Prior to the commencement of development a mitigation statement to address the presence of reptiles on site during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details (see Informative 7 for further details).
- Reason: In the interests of ecology

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

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

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

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

11 No development shall take place, unless otherwise agreed in writing, without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site which shall include the provision of replacement tree planting for any trees which are proposed to be removed during the construction of the development. 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 five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 12 No development including demolition work shall commence on site until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. This shall include full details of all works that impact on the original ground conditions within the tree's rooting area and in particular details of protective fencing, ground protection, construction method, required tree surgery operations, service trenching position and any changes in ground level within the rooting area of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.
- Reason: To ensure the protection of retained trees on site during construction works
- 13 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.
- Reason: To ensure the protection of retained trees on site during construction works
- 14 The premises shall not be used by patients before 7:00am nor after 20:00pm on any day.
- Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 15 Prior to their installation details of the siting and specification for the proposed condenser units shall be submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details.
- Reason: In the interests of visual amenity and residential amenity.
- 16 Prior to the occupation of the development hereby approved, details of the refuse storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such at all times.
- Reason: In the interests of visual amenity
- 17 Prior to any superstructure works commencing on site, a revised parking layout shall be submitted to and approved in writing by the Local Planning Authority. The revised layout shall ensure that all parking spaces (with the exception of disabled spaces which shall be laid out to current British Standards) shall measure 2.6m in width by 4.8m in length. The parking area shall be laid out in accordance with the approved details and retained as such at all times.
- Reason: In order to provide a satisfactory parking layout for the development.

- 18 The cycle parking as indicated on the approved plans shall be constructed prior to the beneficial use of the building hereby approved commencing and retained as approved at all times.
Reason: In order to promote alternative modes of transportation to the development.
- 19 A travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the building hereby approved commencing. The travel plan shall be implemented as approved.
Reason: In the interests of promoting alternative modes of transportation to the development
- 20 No boundary enclosure shall be erected along the Llangyfelach Road frontage unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visibility and to allow two way movements into and out of the site at all times to minimise any obstruction being caused on Llangyfelach Road.
- 21 Prior to the beneficial use of the development hereby approved commencing a servicing management plan outlining how deliveries to the premises will be managed shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved plan.
Reason: In order to ensure that the servicing arrangements would not result in unnecessary obstruction within the site.
- 22 The footpath along the western boundary shall be constructed and available for use prior to the beneficial occupation of the development.
Reason: To provide a satisfactory footpath link through the site in a timely manner.

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, HC15, AS1, AS2 and AS6.
- 2 The following restrictions should be applied to all works of demolition/ construction carried out on the development site

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

The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

- 3 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.
- 4 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.
- 5 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
- 6 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild birdYou are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 7 The reptile mitigation statement should contain instructions for the reduction of the height of vegetation to encourage reptiles to leave the site, instructions for the removal of any likely refugia and the re-homing of any animals caught.

PLANS

L(00)001A site location plan, L(00)002A topographical survey, L(00)100A block plan, L(00)110B proposed ground floor plan, L(00)111C proposed first floor plan, L(00)112B proposed roof plan, L(00)120A proposed north and south elevations, L(00)121A proposed east and west elevations, L(00)130A proposed sections dated 18th February 2014

Agenda Item 6

Report of the Head of Economic Regeneration and Planning

Development Management and Committee – 19 June 2014

FORMER BERNARD HASTIE AND CO. SITE, MORFA ROAD, SWANSEA –

Referral of Planning Application Ref 2008/1615
From the Area 1 Planning Committee on 27 May 2014

RESIDENTIAL RE-DEVELOPMENT OF SITE TOGETHER WITH NEW ACCESS ROAD, CAR PARKING, LANDSCAPING, INFRASTRUCTURE, RE-PROFILING AND ENGINEERING WORKS (OUTLINE) – AMENDMENT TO SECTION 106 AGREEMENT

| | |
|-----------------------------|---|
| Purpose: | To determine the above application for the residential re-development of the site of the former Bernard Hastie and Co. Site |
| Policy Framework: | National and Local Planning Policies. |
| Reason for Decision: | Statutory responsibility of the Local Planning Authority. |
| Consultation: | Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B |
| Recommendation(s): | APPROVE as set out in the report |
| Report Author: | David Owen |
| Finance Officer: | Not applicable |
| Legal Officer: | Not applicable |

BACKGROUND

1.0 Background

- 1.1 This application was reported to the Area 1 Development Control Committee on the 27 May 2014, with the recommendation that the application be approved, subject to conditions and for the Area Committee to authorise officers to negotiate with the applicants / developers with regard to entering into a Section 106 Legal Agreement as outlined in the recommendation.
- 1.2 The Area 1 Development Control Committee subsequently resolved to report the application to this Committee as being of strategic importance on the basis of its relationship to the delivery of the Morfa Distributor Road. A plan showing the location of the application site is attached as Appendix A. Since the Area Committee on 27 May a letter from the applicants has been received, a copy of which is attached as Appendix C. A copy of the original report to the Area 1 Development Control Committee on 9 March 2010 is attached as Appendix B.

- 1.3 This application for the proposed residential re-development of the site was originally reported to the Area 1 Development Control Committee on 9 March, 2010 when it was resolved to grant planning permission subject to a Section 106 with the following Heads of Terms:
- i) The construction of proposed section of Morfa Distributor Road within the developable area (estimated to be the cost of £543,000).
 - ii) An affordable housing contribution
 - iii) A contribution of £15,000 towards pedestrian improvements in the vicinity of the railway crossing
 - iv) Proposed archaeological investigations
- 1.4 The Section 106 has not been completed largely due to the uncertainties of the land required for the Maliphant Rail Depot and the timescale / funding issues for the delivery of the Morfa Distributor Road (MDR). Since then the Maliphant Rail Depot proposals have received planning permission and work is currently progressing which has created certainty over the 'land transfer' for delivering the MDR. Additionally, funding has now become available to the Authority towards the phased delivery of the MDR, however, additional developer contributions are required to ensure the completion of the MDR in its entirety (in accordance with the adopted Tawe Riverside Corridor Study (TRCS). With regard to the Hasties site itself, the applicant PMG, now has an option agreement with Persimmon Homes to develop the site. The outline proposal reported to Committee in 2010 proposed a development of 136 units, the revised Persimmon layout now proposes a reduced layout of 92 units.
- 1.5 The developer contends that the current agreed Section 106 Heads of Terms render the scheme unviable and have therefore requested that they are re-considered as part of the revised proposal and the application is therefore reported to this Committee for determination. The developer has submitted a viability appraisal in consideration of the proposal in line with the Council's policy using the 3 Dragons Model.

2.0 The planning application

- 2.1 The revised proposal seeks outline planning permission for the following development for 66 no. two / three storey houses and 26 apartments. The application is submitted for outline permission with matters of layout and access to be determined at this stage. The issues of appearance, scale and landscaping are reserved for future consideration.
- 2.2 The revised layout has also been accompanied by an Environmental Statement Addendum (ESA) and revised Non-Technical Summary reviewing the revised proposal in the context of:
- Alternative considered
 - Ecology
 - Cultural Heritage
 - Air Quality
 - Noise
 - Highways and Transportation
 - Land Quality

The general conclusion of the ESA is that the project refinements do not impact upon the findings of the original ES. This conclusion is accepted. However, following the demolition of all buildings on the site, a review of the previous archaeological report has been undertaken and this is summarised in the archaeological section below.

- 2.3 The accompanying amended Design and Access Statement indicates that the current economic situation has identified that the original 2008 scheme is no longer viable and the revised layout for 92 dwellings comprises a mixture of design includes 2 storey houses which are typical to the area, some 2.5 storey houses, some 3 storey houses and 3 no. 3 storey feature buildings which will house the proposed flats. The layout will provide a strong street frontage along the proposed MDR as well as providing a central vista through the site, the provision of a strong perimeter block/outer edge to the development, orientating the site towards the river. The site also provides 2 no. public viewing points to maximise the views offered across the river. The proposed development will have a single direct vehicular access off the proposed MDR located at the western end of the development. The layout also provides for pedestrian links onto the proposed MDR to allow residents to obtain pedestrian access to the south of the site linking into Morfa Road and to the proposed footbridge over the railway line.
- 2.4 The principle of the development at this location has not changed since the Committee resolution in 2010. The redevelopment of this brownfield site is considered to be one of the key development aspirations of the adopted Tawe Riverside Corridor Study (TRCS). Moreover, the proposed development would assist in the delivery of the Morfa Distributor Road which is one of the key aspirations of the TRCS, through making a developer contribution of £480,000 and also the dedication of land to allow the construction of the MDR.

3.0 Amended Section 106 Planning Obligations Heads of Terms

- 3.1 Unitary Development Plan Policy HC17 states in consideration of proposals for development, the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act. Provisions should be fair and reasonably relate in scale and kind to the individual development.
- 3.2 The Council's adopted Supplementary Planning Guidance (SPG) on Planning Obligations indicates that the use of such Obligations should ensure that the key infrastructure and other enabling requirements are provided in the first instance to allow development to proceed. Moreover, it states "*It may be necessary to determine the relative priority of different forms of provision in the context of the individual circumstances and planning objectives relative to each development proposal. The element of flexibility in the process should ensure that the viability of development schemes is not prejudiced.*" The SPG further advises that that where a developer contends that the Section 106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs i.e. a development appraisal. As indicated above, the developer has submitted a viability appraisal in consideration of the proposal in line with the Council's policy using the 3 Dragons Model.

4.0 Construction of Morfa Distributor Road

- 4.1 The agreed Heads of Terms required the developer to construct the proposed section of Morfa Distributor Road within their developable area. However, having regard to the Council's commitment and agreed funding for the delivery of the MDR (Cabinet approved 11 Feb. 2014) the Head of Transportation has agreed with the developer (PMG) that in lieu of the above requirement a financial contribution of £480,000 will be required together with the dedication of land (within PMG's ownership) to deliver the MDR - to be constructed by the Local Authority.
- 4.2 The Cabinet report on 11 Feb. 2014 for the delivery of the Morfa Distributor Road highlighted the total estimated cost (£4.55m) for the scheme and that the scheme will be implemented in a number of stages. Stage 1 of the MDR involving the reconfiguration of the junction between New Cut Road and Morfa Road to accommodate predicted future traffic flows has just been completed. The delivery of Stage 2 has been dependant on reconciling the development proposals by Hitachi Europe Ltd at Network Rail's Maliphant St Depot and the development of the Hastie's site to enable the release of land required for the Distributor Road.
- 4.3 The construction of Stage 2 of the MDR will provide a route from the existing park and ride access to the entrance of the Hastie's site and is integral to the development of the site in order to provide access to the residential development. The site access will therefore join the proposed Distributor Road and all traffic movements will travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road. The dedication of land will be conditional upon the procurement by the Council of a contract for the construction of the Stage 2 works. Moreover, the Cabinet Report indicates that the construction of Stage 2 will not commence until dedication of the land has taken place and until significant funding is available from the developer's contribution and / or Regional Transport Plan Grant funding. Therefore failure to secure the developer's contribution of £480,000 together with the dedication of land (within the developer / applicant's ownership) would significantly affect the ability of the Authority to deliver the Morfa Distributor Road.

5.0 Affordable Housing Obligations

- 5.1 The Report to the Area 1 Development Control Committee in 2010 acknowledged that the provision of affordable housing was dependant on the scheme viability with the recognition that the road construction was the highest priority. The Head of Housing has previously indicated that a minimum provision of 15% affordable housing should be provided on the site, with the mix of units and tenure to be determined. However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the abnormal costs associated with developing the site.
- 5.2 The developer has submitted a viability appraisal in consideration of the proposal in line with the Council's policy using the 3 Dragons Model. The appraisal makes no allowance for affordable housing and concludes that the site is only viable (and even in that case at a 15% developer profit which is less than the default level contained in the 3 Dragons Model) on the basis of nil affordable housing on the site.

The following are relevant to the consideration of this appraisal:

- the scheme revenue is based on the revised layout for 92 dwellings and the revenues have been compared against comparable house prices in the area.
- the scheme Costs & Other Development Costs are similar to those in Swansea, and includes the exceptional development costs (£1.4m).
- exceptional development costs are £1.4m, which takes account of ground contamination / remediation costs, and abnormal services and also includes the contribution towards the Morfa Distributor Road of £480,000.

| | | |
|----------------------|---|--------------------|
| Total Scheme Revenue | | £12,285,000 |
| Total scheme Costs | - | <u>£10,895,000</u> |
| Residual Value | = | £ 1,390,000 |

| | | |
|------------------------------|---|--------------------|
| Land Acquisition cost (2007) | | £ 3,120,000 |
| Residual Value | - | <u>£ 1,390,000</u> |
| Loss in site value | | £ 1,730,000 |

The submitted appraisal shows that the residual value of the site would be £1,390,000 which is effectively the sale price agreed by the developer. This is significantly lower than the price the landowner acquired the site for in 2007 (i.e. £3,120,000) and shows a negative return of £1,730,000. This excludes the finance costs of holding the property incurred since 2007, and additionally, excludes any contingency of abnormal cost in respect of further archaeological site investigations which could further impact on the site viability.

- 5.3 The information has been assessed by a Council Development Surveyor and having regard to the exceptional development costs and the residual value generated by the proposed development, is considered to demonstrate that at the current time the development cannot support the provision of any affordable housing over and above the contribution of £480,000 towards the priority given to delivering the MDR.

6.0 Pedestrian improvements to railway crossing / Maliphant Road tunnel

- 6.1 The approved Heads of Terms require the developer to contribute £15,000 towards pedestrian improvements in the vicinity of the railway crossing. The approved development granted to Network Rail / Hitachi for the Maliphant Rail Depot involves the construction of a new footbridge in order to close the Maliphant Tunnel to vehicular traffic due to their operational requirements. The footbridge will retain pedestrian access with the Maliphant Tunnel retained for pedestrian access only. Whilst the TRCS envisages that the link under the railway line would be for pedestrians and cyclists only and would be enhanced, the transfer of some land to the Council to enable the delivery of the MDR in lieu of the previously agreed contribution has been agreed. Additionally, it is proposed to impose an additional condition to facilitate the provision of a pedestrian link along the southern boundary of the site linking the existing path along the River Tawe to Morfa Road.

7.0 Proposed Archaeological Investigations

- 7.1 Glamorgan Gwent Archaeological Trust (GGAT) originally required a full archaeological investigation prior to determination of the application in order to provide an informed recommendation as to the appropriate level of mitigation required.

However, the site then was still occupied which caused the developer some operational difficulty in implementing such investigation. Instead it was agreed that as part of the Section 106 Planning Obligation, archaeological investigations would be required prior to commencement of work. Since then all buildings on the site have been demolished and currently a scheme of archaeological investigation (agreed with GGAT) is being carried out to ascertain the precise resource on the site. The requirement to be included in the Sec. 106 is therefore no longer required and any further archaeological work may be secured through appropriate planning conditions.

8.0 Appraisal

8.1 Within the report to Committee in 2010 it was indicated that the scheme viability will be material to the details of the Section 106 Planning Obligation and that priority will be afforded to the construction of the MDR and the investigation of the archaeological resource within the site. The Planning Obligations SPG states where a developer contends that the proposed Section 106 requirements would render scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence. As indicated the developer has submitted a viability appraisal for the site using an industry recognised appraisal model (Three Dragons). The information highlights the significant abnormal costs associated with the development of the site, which are estimated to cost in excess of £1.4m and at the current time the development cannot support any affordable housing if it is to offer a contribution of £480,000 for the construction of the road.

8.2 The SPG also highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect, the site is identified in the Morfa Road Masterplan within the Tawe Riverside Corridor Study as residential which is a key material consideration as it was adopted as policy by the Council in October 2006. The question therefore is whether, in the absence of the provision of affordable housing, the development would be unacceptable in planning terms. In this respect the UDP and associated SPG clearly make provision for developments where abnormal costs would challenge the viability of a development and the applicant has provided satisfactory information to demonstrate that the site can not bear any affordable housing provision in addition to a financial contribution of £480,000. It is considered the development of the site is an aspiration of the TRCS and, therefore, in the balancing exercise, it is considered the proposal would constitute a sustainable development that would be in accordance with development plan policies.

9.0 Conclusion

9.1 The applicant has demonstrated through a viability assessment that the development would not be commercially viable if the previously agreed Section 106 Planning Obligations were required in full. Notwithstanding this, a contribution of £480,000 has been offered by the developer in lieu of the construction of the section of the Morfa Distributor Road within the developable area together with the dedication of a section of land within the developer's ownership in order to deliver a key section of the MDR. It is therefore recommended that the Head of Terms of the Section 106 Planning Obligation are amended accordingly.

10.0 RECOMMENDATION:

It is recommended that the application be **APPROVED**, subject to the following conditions and to Committee authorising officers to negotiate with the applicants / developers the applicant entering into a Section 106 Legal Agreement with regard to:

Section 106 Planning Obligation Heads of Terms

- The developer / applicant making a staged financial contribution of £480,000 together with the dedication of land (within the developer / applicant's ownership) to deliver the Morfa Distributor Road - to be constructed by the Local Authority. The dedication of land will be conditional upon the procurement by the Council of a contract for the construction of the Stage 2 works, with the site access onto the proposed Distributor Road limiting all traffic movements from the proposed development to travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road.

CONDITIONS

- 1 Approval of the details of the appearance, scale and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Before any part of the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.

- 6 Before the development hereby permitted is commenced, details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 7 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 8 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 9 No part of the development shall be occupied until the proposed adoptable roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 10 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme.
Reason: In the interests of sustainability and to reduce reliance on the car as a mode of transport.
- 11 Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
Reason: To ensure acceptable living conditions for future residents having regard to the existing and proposed noise environment experienced at the site.
- 12 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas and vapour related risks, at the proposed site shall be submitted to and approved by the Local Planning Authority.

The Phase 1 desktop study should include a Conceptual Method for the initial site investigation which must include a risk assessment relating to the potential effects on groundwater and surface water as a result of the works. Where the site investigation indicates the presence of such contamination, including the presence of relevant gas/vapour, a Method Statement shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified, including measures to minimise the impact on ground and surface waters. The reports shall be submitted individually. The provision of the Phase 2 (Method Statement) detailed report and Phase 3 remediation strategy/validation report will be required only where the contents of the previous [Phase 1 desk top study] report indicates to the Local Planning Authority that the next phase of investigation/remediation is required.

Reason: To ensure that the site contamination is satisfactorily remediated in the interests of public safety and amenity.

- 13 Prior to the occupation of any residential unit, 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.

- 14 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.

- 15 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 protect the water environment. Given the size / complexity and history 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.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To protect the water environment.
- 17 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.
Reason: In the interests of the ecology and amenity of the area.
- 18 No development shall take place until a waste management plan for the control, management, storage and disposal of excavated material has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure sustainability principles are adopted during the development.
- 19 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.
- 20 No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
Reason: To prevent pollution of the water environment.
- 21 No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5 m AOD.
Reason: To reduce the risk of flooding to the proposed development and future occupants.
- 22 No development approved by this permission shall be commenced until a Construction Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
Reason: In order to prevent pollution.
- 23 No development shall take place within the area indicated (i.e. the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
Reason: To safeguard this area of archaeological interest.

- 24 The proposed development shall facilitate the provision of a pedestrian link along the southern boundary of the site linking the existing path along the River Tawe to Morfa Road.
Reason: In order to facilitate pedestrian access to the walkway along the River Tawe.

BACKGROUND PAPERS

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

The following documents were used in the preparation of this report:

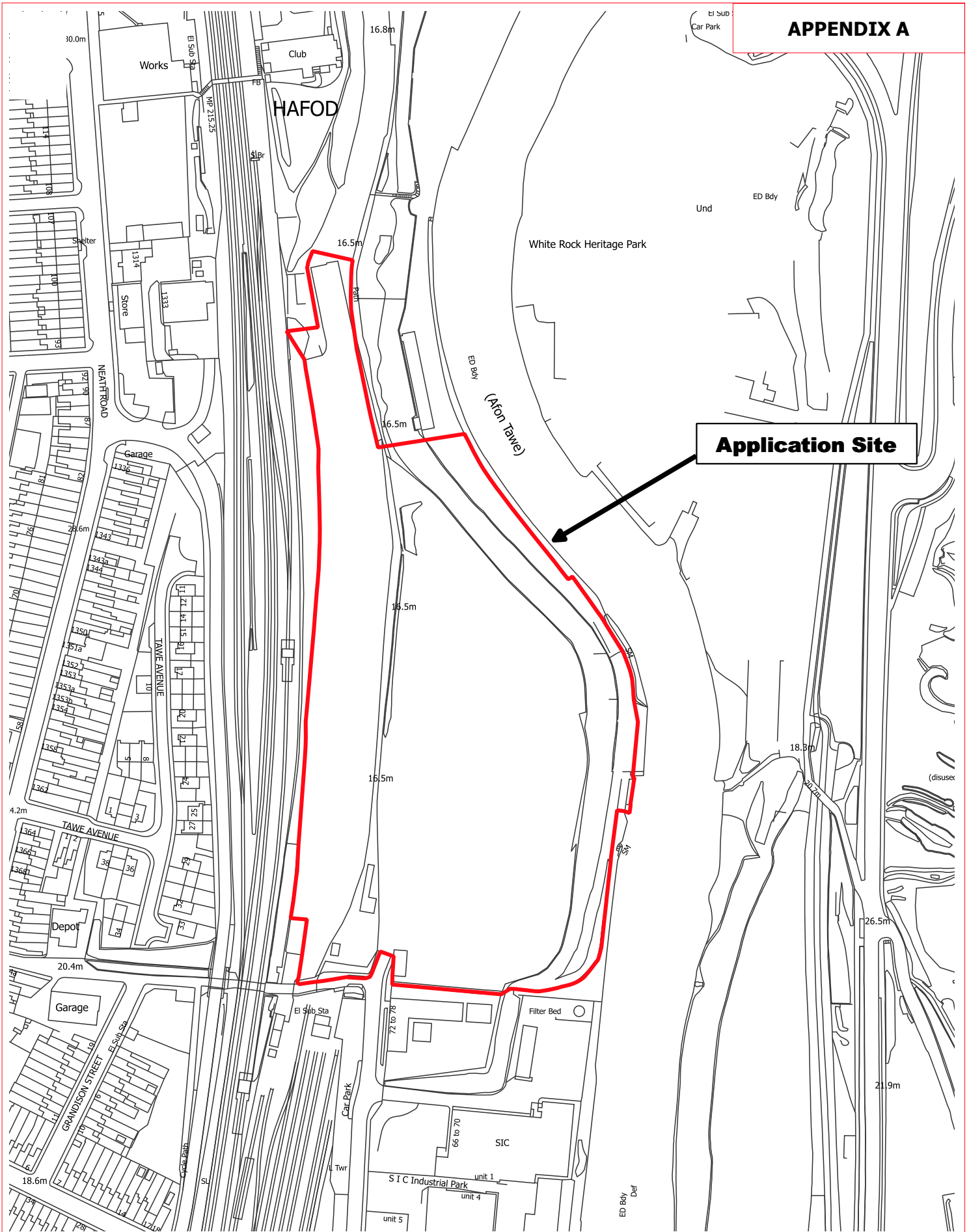
Application file, together with the files and documents referred to in the background information section of the appended Development Control Committee report.

Appendices:

APPENDIX A – Plan

APPENDIX B – Committee Report

APPENDIX C – Applicant's Letter



Application Site

Planning Application No. 2008/1615
Bernard Hastie and Co and adjacent Maliphant
Sidings, Morfa Road, Swansea, SA1 2EW
Page 61

Scale 1:2500 @ A4

Phil Homes, BSc (Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning
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Ordnance Survey 100023509



ITEM APPLICATION NO. 2008/1615
WARD: Landore
Area 1

Location: Bernard Hastie and Co and adjacent Maliphant Sidings, Morfa Road, Swansea, SA1 2EW

Proposal: Redevelopment of site with construction of up to 52 houses (3 storey) and 84 apartments (5 storey) together with phase 2 Morfa Distributor Road, new access road, car parking, landscaping, infrastructure, re-profiling and engineering works (outline)

Applicant: Guy Hall Partnership and Network Rail

BACKGROUND INFORMATION

a. Relevant Planning Policies

Swansea Unitary Development Plan

Policy EV1 New development shall accord with a defined set of criteria of good design.

Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.

Policy EV3 Accessibility criteria for new development.

Policy EV4 Creating a quality public realm

Policy EV5 Provision of public works of art, craft or decorative features to enhance major new development will be supported.

Policy EV6 Ancient Monuments and Protection of Archaeological Sites

Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.

Policy EV35 Surface water run-off

Policy EV36 New development within flood risk areas will only be permitted where flooding consequences are acceptable.

Policy EV38 Development proposals on contaminated land will not be permitted unless it can be demonstrated that measures can be taken to overcome damage to life, health and controlled waters.

Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity because of significant levels of air, noise or light pollution.

- Policy EC3 Improvement and enhancement of the established industrial and commercial areas will be encouraged.
- Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
- Policy HC3 In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs.
- Policy HC17 In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:
- (i) Improvements to infrastructure, services or community facilities,
 - (ii) Mitigating measures made necessary by a development, and
 - (iii) Other social, economic or environmental investment to address reasonable identified needs.
- Provisions should be fairly and reasonably related in scale and kind to the individual development
- Policy HC19 The Tawe Riverside Park will be completed to improve its role as an attractive recreation area and complete the pedestrian and cycle network
- Policy HC24 Provision of public open space within new housing developments
- Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
- Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
- Policy AS4 Creation or improvement of public access routes will be encouraged
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking
- Policy AS11 Road construction and /or improvements are proposed at the Morfa Distributor Road

Planning Policy Wales 2002

Supports in principle the redevelopment of 'brownfield' sites for new development.

Supplementary Planning Guidance:

The *Tawe Riverside Corridor Study* was adopted as policy by the Council in October, 2006.

b. Relevant Planning History

2008/0919 Construction of Morfa distribution road and widening of existing express bus route (Council Development Regulation 3)
Currently being considered

c. Response to Consultations

The application was advertised on site and in the local press as a development accompanied by an Environmental Statement and as a development which might materially affect the setting of a listed building (Former Vivian Locomotive Shed). One letter of observation has been received, making the following enquiry:

1. Is it proposed to schedule archaeological digs at the Bernard Hastie and Cambrian Pottery sites ?

Countryside Council for Wales – does not object to the proposal.

In our opinion, the development as proposed is not likely to have an adverse effect on natural heritage provided the recommendations in the ecological appraisal for reptiles are followed.

Glamorgan Gwent Archaeological Trust –

Original response

The application has an archaeological restraint.

The Historic Environment Record, and an archaeological desk-based assessment prepared for the site, shows that there has been significant activity in the area over time, including several phases of construction associated with the various uses of the site. The desk-based assessment notes, in particular, the numbers of early industrial buildings that have been in existence here, visible in historic mapping and in other pictorial sources, as well as several surviving elements of these early industrial structures in use to day as working buildings. The desk-based assessment also highlights evidence for the rapid pace of change and expansion in industry at the above site throughout the late 18th and early 19th centuries, this rapid pace of change is indicative of the innovative and groundbreaking nature of industry in Swansea at this time.

Whilst the area may have been cleared to some extent, recent archaeological work on similar sites, such as the old Addis Site (The Copper Quarter) Swansea (Our Ref: SWA0269), has shown that with substantial industrial structures such as engine houses, buried remains often survive with a high degree of integrity even though it was believe the site had been completely cleared. It therefore can be expected that archaeological remains of significance are located in the area of the proposed development. Consequently, the desk-based assessment produced provides a series of mitigation measures, including;

Building recording, to be carried out in order to assess and record the remains of the newly identified nineteenth century industrial buildings.

Building recording, of the structures forming the remainder of the Hasties site, as this is itself a culturally significant site in the industrial history of Swansea.

Pre-determination archaeological evaluation, in order to mitigate the effects of the proposed development on the archaeological resource.

Pre-determination Written Scheme of Investigation and Plan for Mitigation, to be produced based on the results of the above evaluation, and approved by the archaeological advisors to the Local Planning Authority. In order to provide a clear outline for a programme of continuing archaeological works.

Archaeological monitoring, of any further ground investigations, geo-technical works or other works of this nature on site by an appropriately appointed archaeologist.

All of which we would agree as the professionally retained archaeological advisors to your Members are necessary in order to appropriately fulfil the requirements of Planning Policy Wales' guidance relating to the treatment of the historic environment.

The proposed development has the potential to affect archaeological remains.

Planning Policy Wales 2002 Section 6.5.1 notes that *"The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled."* The more detailed advice in Welsh Office Circular 60/96, Section 12, recommends that *"where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken."*

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members. We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval.

Furthermore we would recommend that a Written Scheme of Investigation be produced based on the results of such an evaluation and a detailed plan for continuing archaeological works, including details of the mitigation in place to balance the effects of the proposed development against damage to the archaeological resource. This written scheme should be approved by us, the archaeological advisors to the Local Planning Authority, prior to any decision on the planning application being taken.

A building recording survey should also be undertaken on the early nineteenth century industrial structures and those structures forming the Hasties site.

We would envisage that the condition for this work be based on the model suggested by the Association of Local Government Archaeological Officers (ALGAO) in their document *Analysis and Recording for the Conservation and Control of Works to Historic Buildings* and that this work will ensure that the structures are fully recorded before development commences. We envisage this survey to be undertaken to a Level III standard (English Heritage *'Understanding Historic Buildings: A Guide to Good Recording Practice'* 2006). The completed record should then be deposited in a suitable repository such as the West Glamorgan Archives or the Historic Environment Record so that future historians can access it.

The ALGAO model is worded:-

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

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

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

In addition we recommend that a condition should be attached to any planning consent granted to the current application requiring a programme of archaeological investigation to be approved prior to the commencement of the development, further ground investigation, geo-technical or other works of this nature. We envisage that this would take the form of an archaeological watching brief with contingency arrangements to allow sufficient time and resources for the excavation and recording of archaeological features to be undertaken, post excavation analysis and the production of a report containing the results of the work.

This recommendation follows the advice given in Welsh Office Circular 60/96, and we suggest that the condition is worded in a similar manner to the model given in Section 23 of that document:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

We note that in the Environmental Impact Assessment it is stated that the applicant does not consider that pre-application "intrusive archaeological work ... would achieve any mitigation" due to the extensive geo-technical work required to stabilise the site. On the contrary, as the regional archaeological curators it is our opinion that this geo-technical work would be in itself reason enough to require archaeological evaluation potentially followed by full resource.

Pre-determination archaeological work in this case is essential in order to mitigate the effects of the necessary ground stabilising works let alone any other aspect that the applicant, as a non-archaeological professional, has not understood the necessity of the recommended mitigation work or that the proposed mitigation detailed in the desk-based assessment is a recommendation primarily designed to protect the archaeological resource and consider only after this benefit to the smooth progress of any proposed development.

Further response

In our letter of the 12th September 2008 in response to your initial consultation on this application we noted that potentially there was a significant archaeological resource in the application area. We noted that this resource was industrial and that the recent work at the old Addis Site (The Copper Quarter) Swansea had shown that with substantial industrial structures such as engine houses, buried remains often survive with a high degree of integrity even though it was believed the site had been completely cleared. It was therefore our recommendation following the advice given in Planning Policy Wales 2002 Section 6.5.2 and Welsh Office Circular 60/96, Section 13, an archaeological field evaluation to be carried out before any decision on the planning application is taken. Ms. Cole's letter explains why access cannot be gained to carry out the required evaluation and therefore we must consider whether or not it is appropriate for the current application to be determined without more detailed information on the archaeological resource being provided. Without detailed information on the archaeological resource being available there is a risk of significant archaeological features being revealed during the development and delays occurring leading to a significant financial impact. Therefore to mitigate this potential risk and to ensure that any prospective developer clearly understands the archaeological potential of the site and the measures that will need to be carried out prior to and during any development of the site we recommend that the applicant is requested to produce a document outlining what archaeological investigations will be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. The presentation of the above document would be sufficient for us to be able to recommend conditions safe-guarding the archaeological resource to be attached to any planning consent granted by your Members.

Environment Agency

Original Response

Flood Risk

As you are aware, part of the site is classed as C2, as defined by the development advice maps (dam) referred to under TAN15: Development and Flood Risk, July 2004. We note that we have previously commented on this site in response to a request for a scoping opinion. Within this, it was stated that due to site levels submitted suggesting the site is outside the extreme flood outline, no flood consequences assessment (FCA) would be required.

It is noted however, that the current application site differs from that submitted previously and now takes in areas of lower ground closer to the River Tawe. Part of the application site now includes land that may be at risk of flooding in events up to the 0.1% event. We would therefore advise that a FCA will in fact be required in order to establish in detail, the extent of flood risk on the site and how the development will be designed to manage the risk. The flood risk to the site could be tidal, fluvial or a combination of the two and all scenarios should be assessed.

Site Contamination

The River Tawe has been classed as the receptor, rather than the ground waters beneath the site. The site is entirely covered by made ground, consisting of ash, clinker, slag and demolition rubble. No petroleum hydrocarbons were detected in the soils, however it was evident in all CP boreholes at depths greater than 5.4m This is suggested to be lateral movement from an off-site source, thought to be the railway lines. The trial pits for TP10, 11, 12 and 14 are only to a depth of 0.3m. Samples at depth would be needed as they are all on the NE of the site and no other trial pits characterise this area of the site. TP8 is only on the surface. Limited sampling has been undertaken due to the footprint of the existing buildings.

We are however satisfied, that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. In line with the advice given in Planning Policy for Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition then the following conditions must be include on any permission granted. Without these conditions, we believe the proposed development poses an unacceptable risk to the environment and we would object to the application.

Surface water drainage

With regard to surface water drainage from the site, we note that the Environmental Statement states that ground conditions and contamination make it unsuitable for a sustainable urban drainage system (SUDS) and that surface water will drain to the River Tawe.

At present, much of the site is covered and during construction and post development, there will be greater infiltration. We recognise that there is an increased potential for the pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins. However there are SUDS options which could be incorporated, for example lined attenuation ponds, grey-water harvesting systems, green roofs and even the provision of water-butts. We would also welcome some investigation into hydro-brakes.

In order to satisfy the requirement of section 8.5 of TAN15, further evidence on why it will not be possible to incorporate any type of SUDS must be provided. Only if it can be clearly demonstrated that SUDS are not feasible, should a conventional system be utilised. If such a system is installed, then this must improve upon the current status quo.

All foul water generated from this development must be disposed to the main public sewerage system. We note that Dwr Cymru/Welsh Water have been contacted by the developer who has advised that capacity exists to accommodate the proposed flows.

Biodiversity

With regard to the biodiversity interests at the site, we note the findings of the ecological assessment undertaken. Although the ecology of the site is limited, the River Tawe is an important water body and is regarded as being high environmental sensitivity. An appropriate development free buffer strip must be maintained between the development and the top of the bank of the river.

This is to provide some protection to habitats and wildlife that may be present, as well as allowing sufficient access for maintenance purposes.

In consideration of the above, whilst we are satisfied that the majority of our concerns can be addressed via appropriate planning permission, we would ask that determination of the application be deferred until the required FCA has been submitted for review.

Further Response

Following further correspondence it has been clarified that during the preparation work for the Environmental Assessment it was found that the riverbank was not stable and that stabilisation work to the bank is required as part of the development. This has resulted in the increase in size of the development area. It was acknowledged that the bank area is within zone C2 and that the land is at risk of flooding. However, we note that there is no proposal to include built development within this area and that all development is set well above flood levels.

Based on this information we are satisfied that due consideration has been given to the flood risk at this site. In this instance, as the flood risk has been acknowledged, we will accept the correspondence as a limited Flood Consequences Assessment (FCA). The following condition is requested for inclusion:

Condition

No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5m AOD.

Reason: to reduce the risk of flooding to the proposed development and future occupants.

Head of Environmental Management and Protection –

Condition: Land Contamination

This site lies on or adjacent to a number of sites where previous historic industrial use was undertaken resulting in a likely legacy of gross contamination, including Hafod Phosphate works, Hafod Iron Foundry, Hafod Isaf Cobalt-Nickel works, Swansea High Street Station & Yard.

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified. The reports shall be submitted individually. The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Air Quality Management

The applicant shall be required to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development on the surrounding local area.

- i) The assessment shall consider the seven key pollutants within the National Air Quality Strategy and the Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO₂ objective and NO₂ annual mean objective.
- ii) In addition the assessment should also pay particular attention to the PM₁₀ objectives set in regulation (24 hour mean objective of 50ug/m³ - 35 exceedences and the annual mean objective of 40ug/m³ to be achieved by the 31/12/2004 and maintained thereafter) Also, an indication of the new Particles (PM_{2.5}) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25ug/m³ in 2010 and 2020 should be made.

Domestic - Sound Insulation

Require a detailed assessment of night time rail noise on development and how the site design will mitigate the effects of this.

Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Subject to the inclusion of the above the Pollution Control Division of the Environment Department has **no objection** to this application.

Highway Observations –

1. Background

1.1 This proposal is for the redevelopment of the Bernard Hastie site at the end of Morfa Road. The proposal is to erect 142 dwelling units made up of 52 houses and 84 flats together with 189 car parking spaces. A Transport Assessment has been submitted in support of the application.

1.2 The Transport Assessment has assessed the transport and traffic implications of the development and the results indicate that the proposal is acceptable.

2. Traffic Generation

2.1 Traffic generation is predicted to be 21 arrivals and 62 departures in the am peak hour and 55 arrivals with 30 departures in the pm peak hour. This equates to just over 1 vehicle a minute during the peak hour and does not give rise to any capacity issues.

2.2 No reference has been made to the traffic generated by the previous use of the site and all predicted movements have been assumed to be new, therefore a robust assessment has been undertaken.

3. Parking

3.1 Parking for the site is stated to be 189 spaces, however as this is an outline application no detail of how spaces are allocated to each dwelling is given. This aspect will be addressed at detail stage should consent be given

4. Morfa Road Improvements

4.1 The Morfa Distributor Road scheme passes through the site and therefore this development will need to accommodate this road improvement. The developer has agreed to provide this part of the Morfa Distributor where it passes through this site at his expense and this is a positive contribution to the overall scheme. The site access will therefore join the new Distributor road and all traffic movements will be down towards the New Cut Road junction until such time as the Distributor road has been completed and provides a through link.

5. Access by other modes

5.1 Walking distances between the site and access to public transport is acceptable being approximately 300m to bus stops on Neath Road. The City Centre is just under 2Km from the site which is recommended as the maximum walking distance by the Chartered Institute of Highways and Transportation.

5.2 This Council's strategy for the riverside includes the provision of a riverside walk and cycle path. This is referred to in the Transport Assessment. It will be necessary therefore to ensure that development of the site does not prejudice this and therefore a suitable condition should be imposed to safeguard the route and allow for negotiation on the developer's contribution towards its provision.

6. Recommendation

6.1 I recommend no highway objection subject to the following;

i. Prior to occupation of any dwelling within the site, the Morfa Distributor road where it passes through the site, shall be constructed in accordance with details to be submitted and agreed. All at the expense of the developer.

ii. The internal road serving the site shall be constructed in accordance with details to be submitted and agreed.

iii. Each dwelling shall be provided with suitable parking facilities in accordance with details to be submitted and agreed.

iv. Details of the treatment to the Riverside Walk shall be submitted for approval and implemented in accordance with approved details.

v. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.

Note 1. The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Players Industrial Estate, Clydach, Swansea. SA6 5BJ (Tel 01792 841601) before carrying out any work.

Note 2: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

APPRAISAL

The application has been called to Committee at the request of the Ward Member, Councillor Robert Speht.

The site and its surroundings

The application site is located on the western banks of the Rive Tawe at the northern end of the Morfa Industrial Estate. The eastern end of the site comprises the former industrial site of Bernard Hastie, whilst the western part of the site is land owned by Network Rail and consists of railway sidings. Whilst they are technically operational, they are unused. Additionally, the application site also comprises the wooded embankment above the River Tawe. This is included within the application site because of the engineering operations which will be required to stabilise the embankment to allow the re-development of the land above.

The existing vehicular access into the application site is via Morfa Road. Morfa Road runs generally parallel to the railway line to the west and serves all of the premises on the western bank of the river within the Morfa Industrial Estate. It forms a junction with the A483 New Cut Road approx. 1 km to the south of the site. Additionally, there is a vehicular access via Maliphant Street onto Neath Road which runs underneath the railway line.

The redevelopment of this brownfield site is considered to be one of the key development elements of the implementation of the Tawe Riverside Corridor Study (TRCS), adopted by the City and County of Swansea in 2006. The strategy for the Morfa Road is for a significant opportunity for redevelopment, capitalising on the riverside setting, the proximity of the area to the City Centre and waterfront and also to celebrate and interpret the heritage of the area. The strategy for the regeneration of the area is to alter the balance of uses from light and heavy industry and dereliction, which ignores the river frontage, to a high quality mixed area of residential, commercial and light industrial uses. The masterplan for the Morfa Road area envisages the residential development of the Hasties Site. The application indicates that the realisation of the residential scheme on the application site would act as a catalyst for further development, and would radically change the appearance of the area.

In addition, one of the key aspirations of the TRCS is the delivery of the 'Morfa Distributor Road', which would require the upgrading of the existing Morfa Road from its junction on New Cut Road and then providing a new road link via the existing Landore park and ride access onto the A4067 to enable to have a distributor road function. The distributor road would serve development within the area and moreover would relieve traffic congestion elsewhere on the highway network by providing an alternative direct corridor to the city centre from the north. The proposed alignment of the Morfa Distributor Road would cross the application site frontage before linking into the 'Phase 2' element which links the Landore Park and Ride to the northern boundary of the site, which is currently under consideration under Ref:2008/0919, and is also reported on this agenda.

The planning application

The planning application seeks outline planning permission for the following development:

- 58 no. three storey town houses;
- 84 apartments

together with:

- open space, including play spaces, footpaths, cycle paths and areas for informal recreation;
- second phase of the proposed Morfa distributor road;
- New roads, accesses, parking areas and paths including
- Other ancillary uses and activities;

The scheme as originally submitted involved the re-development of the site with the construction of up to 91 houses (3 storeys) and 134 apartments (5 storey), 225 residential units in total. However, during the consideration of the application the developable site area has been reduced as the operational requirements of Network Rail have become clearer. Network Rail have determined that they wish to retain a larger portion of the railway siding for future use and this has resulted in a smaller footprint for the proposed residential area. As a result it is now proposed to construct up to 52 houses and 84 apartments, 136 residential units in total. In addition, the reduction in the site area has meant a re-alignment of the proposed section of the Morfa Distributor Road which would be constructed through the site.

The application is submitted as an outline application with matters of siting and means of access to be determined at this stage. The issues of design, external appearance and landscaping are reserved for future consideration. The planning application is accompanied by a Design Statement which provides additional information on layout concepts and the principles of the scheme.

Design Issues

The site is currently occupied by the former Bernard Hasties buildings and is being used by small industrial users and also comprises the underused Network Rail railway land ('Maliphant Sidings'). The Swansea to London main railway line isolates the site from the housing area of the Hafod. The site is identified in the Tawe Riverside Corridor Study for housing and the vision for the Tawe Riverside Corridor is to: *'Develop a modern, attractive and vibrant riverside urban area, creating a place where people wish to live, work and visit, capitalising upon and celebrating the Tawe's unique contribution to the Industrial Revolution'*.

It is proposed for the access to the site to be formed from the 'Morfa Distributor Road' which would be created by the construction of a road extension from the northern side of Morfa Road through the application site which would then link into the park and ride extension at Landore. The submitted Design and Access Statement (DAS) indicates that owing to the existing topography it is not possible to link the site with the riverside walkway. However, it is proposed to contribute to improvements to the nearby railway underpass (Maliphant Road) as part of the proposal.

Design Strategy

The DAS indicates that the proposed form of the development is informed by the site character and that the curved layout derives from the natural sweep of the River Tawe, and the proposed Morfa Distributor Road would provide a buffer to the existing railway line. The DAS states that the design concept has reflected the aspiration to optimise the 'Riverfront', and consequently, the masterplan has been configured to promote visual permeability with the 5 storey apartment blocks positioned at 'right angles' to the curvature of the river in order to allow a large proportion of the residential units an aspect to the river. The scale of the terraced housing facing onto the proposed distributor road and internal estate road provide a sense of enclosure and legibility to the streetscape. The apartment blocks form individual pavilions whilst the terraced housing contain the development.

The DAS indicates that the density of the development responds to the guidelines set in the TRCS, as the 58 houses and 84 apartments equates to 75 units per hectare. The TRCS recommends a minimum density of 50 units to the hectare, as relatively high densities will need to be achieved having regard to the development costs of the re-development brownfield sites. Additionally, the TRCS anticipates higher density apartments on the river frontage and two or three storey dwellings elsewhere, which is considered an appropriate scale for the site. The proposed housing layout attempts to reflect the recommendations of the TRCS. The higher density 5 storey high apartment blocks are located adjacent to the River Tawe which incorporate under-croft car parking with the ground floor raised by 1 metres above the external ground level. The change in level would be masked by landscaping while level access would be accommodated between blocks via raised links. This integration of the under-croft parking reduces its visual impact whilst at the same time allows for the space between to be laid with soft landscaping.

The inner aspect is more intimate and is characterised by 3 storey houses forming streets and squares with car parking provided in front of the houses or in courtyards. The internal layout also provides a legible development pattern whilst encouraging slower traffic.

Development Plan Policy and Land Uses

National Planning Policy

In line with recent Central Government guidance provided by Planning Policy Wales 2002 (PPW 2002), the redevelopment of the former industrial site would fall to be considered as a windfall 'brownfield' site, that is a vacant site within the established urban area and that has been previously developed and is now available for redevelopment. In principle, this national policy guidance actively encourages proposals for the redevelopment on such sites, provided they do not give rise to an over-intensive form of development, or an unacceptable loss of important urban greenspace, or have an unacceptable detrimental impact on the character and appearance of the existing residential neighbourhood or on highway conditions. PPW 2002 provides up to date guidance on the Government's vision for Wales, which seeks to provide a greater choice and variety of homes in sustainable communities, and ensure that previously developed land is used in preference to green field sites. New developments are required to improve the quality of life, regenerate communities, with a mix of private and social housing that enhances where practicable the surrounding landscape and wildlife features.

Unitary Development Plan

The site is an established industrial and commercial area and is therefore afforded white land status in the adopted UDP where redevelopment proposals are considered on their merits. Whilst there is no site specific allocation in the Plan, the Tawe Riverside Corridor Strategy (TRCS) provides a relatively up to date planning policy framework for considering schemes along the Morfa Road corridor.

The TRCS was adopted as Council policy in August 2006 and it is anticipated that it will become Supplementary Planning Guidance now that the Unitary Development Plan has been adopted.

It is the TRCS rather than the UDP that sets out specific site allocations and proposed uses within the context of a wider strategy for the whole of the Tawe Riverside extending northwards. The overall concept for the Morfa Road section is to deliver a mix of uses, however the TRCS does point out that there is sufficient flexibility to enable the majority of sites to be developed for housing purposes in the longer term. However, phasing is clearly an important element in ensuring that the amenity of future occupiers is not unacceptably compromised by factors such as noise pollution and general disturbance. The UDP states that proposals for non-commercial uses at or adjacent to industrial areas should be determined on their individual merits against broad planning principles, many of which are set out in UDP Policies EV1 and EV2. Of particular relevance is the requirement to consider the level of impact caused by existing commercial uses in terms of environmental pollution to future occupiers at neighbouring sites. The TRCS also deals with 'Pollution Considerations', which states that Planning Permission may be refused at sites along Morfa Rd if – notwithstanding the use of good design – the close proximity of a site to existing noise generating uses is considered unacceptable.

UDP Policy EV1 requires that the scheme provides a safe environment for future occupiers by addressing issues of security, crime prevention, fear of crime, and giving consideration to spaces and routes around the site. There is concern whether existing connections to/from the site and areas around it are possible having regard to personal safety issues for future residents. The safety and quality of pedestrian routes from the site to the City Centre and local facilities is crucial. UDP Policy AS2 in particular states that the design and layout of new developments should provide suitable facilities and attractive environment for pedestrians and non car users. The extent to which the submitted scheme meets these requirements to provide safe, attractive direct links for the large number of pedestrian movements that would arise from residential occupiers is a significant consideration.

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. The provision of affordable housing is a key priority for WAG and National Planning Policy in the form of Planning Policy Wales (as updated by Ministerial Interim Planning Policy Statement 01/2006 Housing – June 2006) and Technical Advice Note 2: Planning and Affordable Housing (June 2006) provides the policy guidance. Policy HC3 of the Unitary Development Plan is a strengthening of this policy and requires in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The general threshold is reduced to 25 dwellings or 1 hectare or phases of such development. The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The TRCS also indicates that a proportion of housing should be affordable.

The Housing Department has completed its Local Housing Market Needs Assessment (LHMNA) which is a key supporting document to the Council's Housing Strategy. The LHMNA was completed by consultants in accordance with WAG/Central Government Guidance. The Housing Strategy was approved by Council on 13th September, 2007 and represents a significant change in the policy framework relating to the provision of affordable housing. Whilst the LHMNA, which underpins the Housing Strategy, sets a target of 30%, a reduced provision considered to be appropriate given the other benefits which form part of the scheme.

The Head of Housing has indicated that a minimum provision of 15% affordable housing should be provided on the site, with the mix of units and tenure to be determined. However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the additional abnormal costs and as such would it unviable for the developer to incur the additional cost. As indicted above, Policy HC3 of the UDP indicates that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs. This would need to be negotiated therefore as part of the overall Section 106 contribution requirements, acknowledging that the construction of the road is the highest priority.

Environmental Impact Assessment

The application has been accompanied by an Environmental Statement (ES) due to the fact that the site is located in a sensitive environmental location adjacent to the River Tawe and it was therefore considered that the proposed uses would have significant effects on the environment. The non-technical summary of the ES is available separately.

The content and structure of the Environmental Statement

The EA provides a detailed description of the site and its surrounding area. It also provides an indication of the recent planning history of this area, and places the current proposals in the context of the overall long-term vision for the site and its hinterland, as proposed by the City and County of Swansea. It also explains the development mix and provides a more detailed description of the proposal. The indicative construction programme is also outlined, along with a broad description of the way in which the proposal contributes to the principles of sustainable development. The EA also provides an overview of the policy context within which the planning application will be assessed. It highlights the key issues arising from Planning Policy Wales and relevant Technical Advice Notes (TANs) and provides a summary of the most relevant adopted and emerging regional and local planning policies, along with other relevant plans and strategies. The EA also examines the need for the scheme and outlines the alternative options that have been considered as the plans have been developed. It explains the rationale for the selected proposal, and the reasons why the described alternatives were not pursued.

The following main issues have been identified within the EA:

- **Ecology;**
- **Archaeology;**
- **Air Quality;**
- **Noise and Vibration;**
- **Highways and Transportation;**
- **Land Quality**

It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

Ecology

The EIA indicates that an ecological assessment of the development site was carried out. This included a bat survey of the buildings at and around the Hastie factory in order to assess the extent of any bat or other protected species use of the buildings, and to identify any constraints upon the discovery of bats (or other species). The conclusions of the bat surveys were that there was no evidence of bat use at or around the buildings and that bat roost opportunity was very limited.

An examination was undertaken of the western bank of the River Tawe adjacent to the Hasties site, in search of protected species interest which might be affected by works to the embankment. In particular, otters are known to use this stretch of river, and the examination was made for rest-site use. However, no field evidence of otter presence nor actual or potential resting-sites were found along the bank.

A survey was also conducted of the railway sidings to identify any potential protected species. This indicated limited potential for reptiles and the EIA recommends a number of mitigation measures to encourage suitable habitats. The Countryside Council for Wales have raised no objection to the proposal subject to the recommendations in the ecological appraisal for reptiles being followed. In addition, whilst acknowledging the limited ecological value of the site, the Environment Agency note the environmental sensitivity of the River Tawe, and recommend the retention of an appropriate development free buffer strip between the development and the top of the bank of the river. This is to provide some protection to habitats and wildlife that may be present, as well as allowing sufficient access for maintenance purposes.

Archaeology and cultural heritage

The EIA indicates that an Archaeological desk-based assessment was carried out. This concluded that the proposed development will have a major effect upon the Swansea Canal, Former Hafod Phosphate Works, Hafod Foundry, the Hasties site itself and the railway sidings. The report recommends that in terms of mitigation, a building survey be carried out to assess and record the remains of the nineteenth century industrial buildings and the remaining Hasties buildings.

Information regarding the remaining archaeological resource is limited although it is likely that there are significant surviving archaeological deposits below ground. The assessment therefore recommends that an archaeological evaluation is carried out prior to the commencement of development on the site. This should take the form of a written scheme of investigation and plan for further mitigation based on the results of the evaluation. Additionally, it is recommended that an archaeological watching brief is initiated during any further ground investigation and geotechnical works. Whilst acknowledging this advice, the applicants indicate that due to the extensive geotechnical work required to stabilise the site and deal with decontamination, it is not considered that undertaking further intrusive archaeological work prior to determining the planning application would achieve any mitigation. Glamorgan Gwent Archaeological Trust (GGAT) confirm the presence of an archaeological restraint on the site and requested the deferral of the planning application until an archaeological evaluation report has been submitted.

However, the applicants have responded outlining the problems of carrying out an archaeological evaluation of the site at this stage. In particular, as the buildings on the site are still in occupation and as such would place significant constraints on the operation of the business. The applicants would be willing to initiate an archaeological evaluation prior to the commencement of works on site and would accept an appropriate condition accordingly.

GGAT express concern that without detailed information on the archaeological resource, there is a risk of significant archaeological features being revealed during the development and delays occurring leading to a significant financial impact. GGAT recommends that a document is produced outlining what archaeological investigations will be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. This could be a requirement of the Section 106, to be attached to the Agreement.

Air Quality

An air quality assessment was carried out on the site. The assessment assesses the potential air quality impacts associated with the proposed residential development.

The four key aspects within the proposed development that might be subject to air quality are:

- New properties within the proposed development that might be subject to air quality impacts from nearby road traffic;
- railway locomotives impacts;
- Industrial emission impacts; and
- Operational and Construction impacts (Operational impacts on future residents and construction impacts on the local surroundings).

The assessment considered that the development would only generate approximately 1000 vehicle movements per day, which would not lead to a significant increase in traffic on local roads. The assessment has not assessed the impact of traffic generated by the proposed development on the surroundings.

The air quality impacts of all probable situations were modelled using a modelling system and data provided by the highway authority and the effects on the air quality within the development from road traffic, with and without the proposed new Morfa Distributor Road, railway locomotives and Industrial sources were found to be negligible, falling below relevant government guidelines in all these areas. Other key findings were that the air quality impacts during construction were judged to mostly comprise dust emissions from demolition and construction activities.

In term of mitigating any potential road traffic impact the assessment considers that the proposed new road is not positioned any closer to the proposed residential properties than illustrated on the submission plans. Any additional distance that can be placed to offset the road from the houses, greater than that shown in the current submitted plans would lessen the impact of the new road on this development.

The assessment also proposes a number of mitigation measures to mitigate dust emissions during the construction phase. These measures involve dampening down of dry unpaved roads on the site and regular sweeping of the site access road to avoid dust spreading. It is also proposed that all vehicles carrying material off site would be sheeted to avoid dust emissions. These measures will minimise the effects on the air quality in the local area such that they do not cause any hazard whatsoever.

Noise and vibration

The EIA incorporates an environmental noise and vibration impact assessment. The purpose of the assessment was to determine the potential noise impact of the proposed development to the local environment during construction and site operation, and to also assess the impact of the local environment on the proposed new dwellings.

Having undertaken a site survey and assessment it was considered that the following areas were investigated more thoroughly:

- Demolition and construction noise
- Noise from car parking and on-site vehicular activity
- Noise from access road traffic
- Noise from the potential Morfa Distributor road
- Noise from existing industry and business

The effect and extent of vibration carried through the ground during construction was also investigated.

Construction Noise

In general the assessment concluded that the development's construction noise and vibration would not cause disturbance to local residents. However to mitigate a potential construction noise disturbance, any construction equipment to be used will have to comply with relevant regulations regarding noise and vibration to ensure not to cause a disturbance. The assessment considers it is uncommon for the development of residential developments to be such that vibration levels are high, however consideration should be given to the demolition of buildings close to receivers directly adjacent to the development site. The levels required to be generated before structural damage occurs are high and highly unlikely to be reached in the construction of this development.

Operational Impacts

The proposed development would be in close vicinity of the Swansea Mainline railway. Additionally, the operation of the proposed Morfa Distributor Road would lead to the introduction of a new source of noise. The EIA concludes that Noise and vibration from existing surrounding road networks, from the proposed new link road (Morfa Distributor) and the existing railway line would have a negligible impact on existing residential dwellings but would have a medium to high impact on the proposed development. However, mitigation measures can be applied to reduce this potential impact to a negligible level. These measures would include the use of high quality double glazed windows to block sound indoors and screening for outside areas.

The Head of Environmental Management and Protection raises no objection to the application subject to the implementation of a scheme to ensure that all habitable rooms within the proposed development are subject to sound insulation measures.

Transport and highways

The Environmental Impact Assessment submitted with the application incorporates a Transport Assessment. The site would be accessed from the proposed Morfa Distributor Road via a priority right hand turn junction. The Head of Transportation indicates that the proposed traffic generation which equates to just over 1 vehicle a minute during the peak hour and would not give rise to any capacity issues. The developer has agreed to provide the section of the Morfa Distributor Road at their expense and is therefore a positive contribution to the overall scheme. This will be secured via a Section 106 Planning Obligation. The developer has indicated that the cost of constructing the distributor road to a point where the access to the site is anticipated to be £240,000 (based on a length of approx. 120 metres). Additionally, the developer has agreed to contribute to the remaining section of the distributor road across the land within their control at a cost of £303,000 (for a length of approx. 152 metres). It is considered that the total cost and construction of providing the section of the Morfa Distributor Road within the application site be borne by the developer and secured by a Section 106 Planning Obligation.

The site access will therefore join the new Distributor road and all traffic movements will go down Morfa Road to the New Cut Road junction until such time as the Distributor Road has been completed to provide the through link. The completion of the section of the Distributor Road to meet the park and ride extension (currently under consideration Ref: 2008/0919 refers) and thus allow movements northwards would depend on the availability of funding for that proposal. There is also the existing single width vehicular access via Maliphant Street underneath the railway line located at the end of Morfa Road. It is the aspiration of the TRCS to close this access to vehicular traffic pending the completion of the Morfa Distributor Road.

Walking distances between the site and access to public transport is acceptable being approximately 300 metres to bus stops on Neath Road. This pedestrian access would utilise the existing Maliphant Street access underneath railway line. Network Rail have indicated the potential of closing the existing Maliphant Street access in order to facilitate their future operational requirements and that in its place they would be prepared to construct a pedestrian bridge over the existing railway line in order to facilitate / retain the existing access. The TRCS recognises that to improve pedestrian linkages from Morfa Road, the feasibility of a pedestrian linkage / bridge over the railway line may need to be considered although the engineering and cost implications are recognised. However, the TRCS also envisages that the link under the railway from Maliphant Street would be for pedestrian and cyclists only, and would be enhanced. The developers have also indicated a willingness to contribute £15,000 towards improving the pedestrian access across / under the railway line. This may be secured by the Section 106 Planning Obligation.

It is an aspiration and one of the development objectives of the TRCS to provide continuous and pleasant public access along the riverbanks of the River Tawe which would provide public access from Parc Tawe through to the Hafod site. A footpath is in place for the majority of the route and present, with the exception of the Swansea Industrial Components site (in the Morfa Industrial Estate), however, it is currently impassable in places due to overgrowth and there are no barriers to protect users along the river edge.

Land Quality

A comprehensive ground investigation has been undertaken as part of the EIA. The site lies on or adjacent to a number of sites where current and previous historic industrial use was undertaken resulting in a legacy of ground contamination by chemicals or materials that have leaked or been spilled during the industrial activity. Within or adjacent to the site, there was the Hafod Phosphate Works, Hafod Iron Foundry, Hafod Isaf Cobalt-Nickel works and also the railway line and sidings.

The ground investigation indicates that the made ground is widely contaminated by metals and contains localised hotspots of organic contamination. In order to mitigate against this a suitable thickness of clean cover will be required in gardens and other areas of soft landscaping to mitigate human health risks. Chlorinated solvent contamination has been found at two isolated locations in the south-west and east of the site and further investigation of these areas is recommended. The groundwater appears to be widely contaminated by petroleum hydrocarbons and appears to be locally contaminated by PAHs, VOCs and PCBs. Further investigation is therefore recommended to gain a more detailed understanding of the characteristics of the identified organic contaminants and to inform a more sophisticated assessment of pollution risk. No protection measures are required in respect of radon, methane, or carbon dioxide gas.

Chlorinated solvents have, however, been found on site. Conventional gas protection measures comprising of gas tight ground floor construction and passive sub-floor ventilation may, therefore, be required as a precautionary measure to mitigate such risks for properties located in the vicinity of these boreholes.

The EA indicates that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

The Head of Environmental Management and Protection considers that the ground contamination can be controlled by imposing planning conditions requiring the developer to submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site and the measures to be undertaken in order to remediate the contamination identified.

Additionally, the EIA indicates that the site's east boundary slope along the banks of the River Tawe appears to be only marginally stable and stabilisation works will be required. It is considered that the most robust means of enhancing the stability of the slope would be to excavate and re-compact the made ground to form a uniform slope of engineered fill. Further work will be required to inform and complete detailed design of the slope stabilisation works. This may be controlled by planning condition.

Drainage Strategy

The EIA indicates that surface water from the existing site discharges direct into the River Tawe without any attenuation and that the public sewerage system in the area is generally of a combined type. It is proposed that the site will drain surface water un-attenuated into the River Tawe, with the proviso that the proposed surface water discharge rate is not to exceed the existing rate of discharge. It is further indicated the impervious surface area of the proposed development will decrease from the existing layout, and therefore there would be a reduction in the surface water run-off rate. It is proposed that a new network of on-site dedicated surface water sewers will convey by gravity surface water to an existing outfall located within the site. The EIA considers that Sustainable Urban Drainage Systems (SUDS) are unsuitable for this site due to the prevailing ground conditions and site contamination, which would make soak-away drainage not a viable option. The Environment Agency (EA) acknowledge that there is the potential for the pollution of controlled waters from inappropriately located infiltration systems such as soakaways. However, the EA indicate there are other SUDS options which could be incorporated, for example lined attenuation ponds, grey water harvesting systems, green roofs or even water-butts. In order to satisfy TAN15 further evidence should be submitted on why it is not possible to incorporate any type of SUD, and only then if it has been demonstrated that SUDS are not possible that a conventional system may be used. It is proposed that a planning condition is imposed requiring a scheme for the disposal of surface water to be implemented.

With regard to foul drainage, the location of the combined sewer on the western boundary means that a new network of dedicated foul sewers will be constructed that drain the proposed development by gravity. Dwr Cymru Welsh Water have advised that the capacity of the existing public foul sewer can accommodate the proposed flows subject to the submission of a detailed scheme indicating a comprehensive and integrated drainage scheme for the site. This can be controlled by planning condition.

UDP Policy EV36 states that development within flood risk areas will only be permitted where it can be demonstrated that its location is justified and the consequences associated with flooding are acceptable. The EA originally objected to the proposal in order to assess the flood risk from the site. However, during the consideration of the application it became apparent that existing ground levels on the development range from 16.5 m AOD to around 18.5 m AOD and as such are well above the river flood levels. The EA are therefore satisfied that due consideration has been given to the flood risk at the site and that the proposed development will not be liable to a flood risk.

Conclusion

The proposed development would represent a strategic regeneration of a brownfield site within the urban area offering considerable benefits, in particular in facilitating the first phase of the Morfa Distributor Road and would be consistent as a more sustainable form of development being promoted by the Council and the National Assembly for 'brownfield sites', in line national and local policy guidance. Having regard to all the relevant Development Plan Policies, the adopted River Tawe Corridor Study and all other material considerations the proposal would represent an acceptable form of development.

It is considered however that conditions and a Section 106 Obligation are necessary to adequately control the development and to achieve the strategic objectives within the RTCS and the Unitary Development Plan. It is acknowledged that scheme viability will be material to the details of the Section 106, and the applicant has supplied some financial information in that respect. This will need to be given more detailed consideration in the final drafting of the Section 106, with priority being afforded to the construction of the highway and the investigation of the archaeological resource within the site.

RECOMMENDATION

It is recommended that the application be APPROVED, subject to the following conditions and to the applicant entering into a Section 106 Legal Agreement with regard to:

Section 106 Planning Obligation Heads of Terms

- **An affordable Housing contribution.**
- **The construction of the proposed section of the Morfa Distributor Road within the developable area. (estimated to be the cost of £543,000).**
- **A contribution of £15,000 towards pedestrian improvements in the vicinity of the railway crossing.**
- **Proposed archaeological investigations.**

1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

- 3 Approval of the details of the siting, design and external appearance of the building(s) and the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Before any part of the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.
- 6 Before the development hereby permitted is commenced, details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 7 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 8 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 9 No part of the development shall be occupied until the proposed adoptable roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 10 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme.
- Reason: In the interests of sustainability and to reduce reliance on the car as a mode of transport.
- 11 Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
- Reason: To ensure acceptable living conditions for future residents having regard to the existing and proposed noise environment experienced at the site.
- 12 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas and vapour related risks, at the proposed site shall be submitted to and approved by the Local Planning Authority. The Phase 1 desktop study should include a Conceptual Method for the initial site investigation which must include a risk assessment relating to the potential affects on groundwater and surface water as a result of the works. Where the site investigation indicates the presence of such contamination, including the presence of relevant gas/vapour, a Method Statement shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified, including measures to minimise the impact on ground and surface waters. The reports shall be submitted individually. The provision of the Phase 2 (Method Statement) detailed report and Phase 3 remediation strategy/validation report will be required only where the contents of the previous [Phase 1 desk top study] report indicates to the Local Planning Authority that the next phase of investigation/ remediation is required.
- Reason: To ensure that the site contamination is satisfactorily remediated in the interests of public safety and amenity.
- 13 Prior to the occupation of any residential unit, 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.

- 14 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.

- 15 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 protect the water environment. Given the size / complexity and history 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.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment.

- 17 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.

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

- 18 No development shall take place until a waste management plan for the control, management, storage and disposal of demolition waste / excavated material has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainability principles are adopted during the development.

- 19 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority.

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

- 20 No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
Reason: To prevent pollution of the water environment.
- 21 No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5 m AOD.
Reason: To reduce the risk of flooding to the proposed development and future occupants.
- 22 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
Reason: In order to prevent pollution.
- 23 No development shall take place within the area indicated (i.e. the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
Reason: To safeguard this area of archaeological interest.

INFORMATIVES

- 1 The phased land contamination condition shall incorporate the following information:

Phase 1 report: Desk Top Study
this shall:

- ∅ Provide information as to site history, setting, current and proposed use.
- ∅ Include a conceptual model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- ∅ Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation
this shall:

- ∅ Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.
- Provide for a more detailed investigation of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Environment Agency in order

to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Options Appraisal/ Remediation Strategy

this shall:

¢ Include an appraisal of the proposed options for reducing the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance, and the remediation measures required and how they are to be undertaken.

Phase 3: Verification Report

¢ A verification report will be produced providing details of the data that will be collected in order to demonstrate that the approved remediation works have been carried out satisfactorily, remediation targets have been achieved and identifying any requirements for longer term monitoring/ measurement.

[See Footnote]

Footnote

The applicants attention should be drawn to the following documents:

" EAWLGA: "Land Contamination - a Guide for Developers" and its associated briefing note which can be found on the Pollution Control - Contaminated Land pages of the City & County of Swansea website <http://www.swansea.gov.uk/index.cfm?articleid=1084>

" LQM/CIEH: "Generic Assessment Criteria for Human Health Risk Assessment"[ISBN 0-9547474-3-7][recently published in respect of various heavy metals, petroleum hydrocarbons, polyaromatic hydrocarbons and chlorinated solvents NOT addressed by CLEA guidelines].

" DEFRA - Industry Profiles: "Industrial Activities Which Have Used Materials Using Radioactivity" [March 2006]

<http://www.defra.gov.uk/ENVIRONMENT/land/contaminated/pdf/industryprofile0603.pdf>

" Environment Agency Guidance Documents:

" Briefing Note 1 - Potential sources of radioactive contamination

" Briefing Note 2 - An overview of land contaminated with radioactive substances

" Briefing Note 3 - Developing land contaminated with radioactivity

" Briefing Note 4 - Contaminated land regime (Part 2A) and radioactivity

" Briefing Note 5 - Land contaminated with radioactivity on nuclear licensed sites

" Briefing Note 6 - Land contaminated with radioactivity and the Radioactive Substances Act 1993

" Briefing Note 7 - Voluntary remediation of land contaminated with radioactivity

" Briefing Note 8 - Land contaminated with radioactivity and the principles of radiation protection

" Radioactive contaminated land glossary

<http://www.environmenta->

[gency.gov.uk/subjects/landquality/113813/1442829/?version=1&lang=_e](http://www.environmenta-gency.gov.uk/subjects/landquality/113813/1442829/?version=1&lang=_e)

PLANS

AS_02 site location plan, AS_00 sections, aerials and photo montages received 31st July 2008), Environmental Impact Assessment - received 31 Oct. 2008), Design and Access Statement (amended information received 21 Oct. 2009). AL 28 (amended plan received 21 Oct. 2009), AS (amended plan 21 Oct. 2009).

APPLICANT'S LETTER

Former Bernard Hastie Site, Morfa Road, Swansea. 2008/1615

I refer to the above and to the Area 1 planning committee meeting on 27th May when the committee resolved to refer the application to main planning committee which I understand meets on June 19th. Members of the Area 1 Planning Committee and other councillors who were present but were not members of the committee appeared to be concerned that the scheme was not providing the same S106 package as that agreed in the resolution to grant consent for development in March 2010.

I address the following below:

- The resolution of the March 2010 planning committee.
- Affordable housing policy.
- Changes to the scheme since March 2010.
- Viability.

(a) The resolution of the March 2010 Planning Committee.

Throughout the meeting on May 27th reference was made to the resolution of the March 2010 Planning Committee and in particular to the sums agreed in respect of the highways contribution and in the view of some members of committee and other councillors an agreement to provide 15% affordable housing. The committee report and resolution makes no reference to 15% affordable housing being agreed, indeed, throughout the 2010 committee report the officer stresses that any affordable housing provision would be subject to viability testing. The 15% affordable housing contribution was requested by the Head of Housing but the planning officer is clear in the report that:

'However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the additional abnormal costs and as such it would be unviable for the developer to incur additional cost. As indicated above, Policy HC3 of the UDP indicates that in areas where a demonstrable lack of affordable housing exists, the council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/accessibility terms and where this is not ruled out by exceptional development costs. This would need to be negotiated therefore as part of the overall Section 106 contribution requirements, acknowledging that the construction of the road is the highest priority'

In his conclusion, the officer further states in respect of the S106 that:

'It is acknowledged that scheme viability will be material to the details of the Section 106,, and the applicant has supplied some financial information in that respect. This will need to be given more detailed consideration in the final drafting of the Section 106 with priority being afforded to the construction of the highway and investigation of the archaeological resource within the site.'

On this basis the committee resolved to grant consent in full knowledge that the construction of the road and the investigation into the archaeological resource on site would take priority over all other matters.

The committee were fully appraised that affordable housing may not be viable on this site and S106 negotiations would be centred around the viability of the scheme.

(b) Affordable Housing Policy

As indicated above and in the officer's report to the March 2010 and May 2014 committees, the relevant policy is HC 3 of the adopted City of Swansea UDP. This policy states that in areas of demonstrable lack of affordable housing, the council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/accessibility terms and where this is not ruled out by exceptional development costs.

There was a strong suggestion by councillors that not including affordable housing on site was a departure from the development plan and contrary to policy. The policy clearly allows for no affordable housing to be provided where it is ruled out by exceptional development costs.

In this case, those costs have been demonstrated to the Estates Department and a viability assessment undertaken.

(c) Changes to the scheme since 2010 resolution

The debate at committee focused on the S106 agreement and changes to the heads of terms of that agreement. One of the other reasons for the application being reported to committee was the change to the scheme itself.

The original scheme proposed 52 houses (3 storey) and 84 apartments (5 storey) a total of 136 residential units on the site in 11,919 sq.m (128,304 sq.ft) of residential floorspace. Due to changes in the market as a result of restrictions on lending, the current scheme involves a considerable reduction in the numbers of apartments as well as less reliance on three storey houses. The current proposal involves 66 houses (2 and 3 storey) and 26 apartments a total of 92 units in 6,872 sq.m (74,299 sq.ft). The proposal before the council now therefore results in 68% of the original number of units proposed and 58% of the original floorspace proposed. This in turn has affected the revenue that can be generated from the development. It is for this reason the road contribution has been reduced to £480,000 from £543,000 originally proposed in 2010. The revised figure was agreed specifically with the Head of Highways for Swansea in August 2013.

It is not the case that the applicant has reneged on any other aspects of the S106 rather these have / will be delivered through a different mechanism.

In the case of the £15,000 towards improvements to the underpass, this was required prior to the plans for the new Network Rail Depot at Morfa Sidings. This later proposal involves the construction of a pedestrian footbridge across the railway. The applicants have acted in good faith and provided land to accommodate the 'landing' of the pedestrian bridge thus enabling an alternative pedestrian link across the railway and allowing the necessary infrastructure required for the new depot to proceed. This has been undertaken in lieu of the £15,000 and the presence of the footbridge negates the requirement for improvements deemed necessary at that time.

In the case of archaeology, since the clearance of the site, it has been possible to undertake intrusive archaeological works. An interim report has been provided and any further work necessary will be dealt with through conditions.

(d) Viability

In line with the previous committee resolution, and following the redesign of the scheme, further viability assessments have been undertaken. The council has adopted the 3 Dragons Model as its preferred method of assessing schemes for affordable housing. The assessment demonstrates that the scheme will result in a lower level of profit than that considered reasonable in the context of the model due largely to the abnormal costs associated with developing the site including the contribution of £480,000 towards the road. The landowners are themselves taking a significant loss on the site (£1.75m) in order for this development to proceed. It is therefore not the case that the applicant and the housebuilder are making significant profit at the expense of the council.

The viability appraisal has been considered by your estates department and the contents are not disputed.

(e) Conclusion

In light of the above, it can be seen that the negotiations that have taken place since the 2010 resolution are entirely in accordance with that resolution and that the recommendation before committee has had regard to the following:

- The priority to be afforded to the Morfa Distributor Road
- The works that have been undertaken on site in respect of archaeology mean that the development can proceed with archaeology being dealt with as a condition rather than a S106;
- That the applicant has facilitated improved pedestrian facilities across the railway through the enabling of the new pedestrian bridge thus negating the need for a contribution to pedestrian facilities in the vicinity of the railway;
- That the negotiation of the S106 has been focused around the viability of the scheme and an up to date viability assessment in line with the council's preferred method (3Dragons Model) has been provided which demonstrates that if priority is to continue to be afforded to the Morfa Distributor Road then it is not viable to provide affordable housing as part of this development which is significantly reduced in unit numbers and floorspace due to market conditions.

As you are aware without the site coming forward for viable development there will be no funding or land for the road and with no road there will be no development or wider regeneration of this area. The development itself, fully accords with policy at all levels. In addition this will provide much needed housing.

I will be grateful if this letter could be brought to the attention of members in order that they can assess for themselves the merits of this application having considered all of the facts.

Report of the Head of Economic Regeneration & Planning

Development Management & Control Committee – 19 June 2014

Referral of Planning Application Ref: 2013/1745
From Area 2 Development Control Committee on 3 June 2014

CILIBION SAW MILLS, CILIBION, GOWER, SWANSEA

DETACHED DWELLING IN ASSOCIATION WITH SAWMILL (OUTLINE)

| | |
|-----------------------------|---|
| Purpose: | To determine the outline application for a detached dwelling in association with sawmill |
| Policy Framework: | National and Local Planning Policies |
| Reason for Decision: | Statutory responsibility of the Local Planning Authority |
| Consultation: | Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B |
| Recommendation(s): | Refuse as set out in the report |
| Report Author: | Ryan Thomas |
| Finance Officer: | <i>Not applicable</i> |
| Legal Officer: | <i>Not applicable</i> |

1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on the 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept my recommendation but resolved that the application be referred to Development, Management and Control Committee with a recommendation that it be approved subject to a S106 Obligation to tie the occupation of the dwelling to the sawmill, on grounds that the new dwelling was justified to serve a long standing business which makes a significant contribution to the rural economy and would not result in a detrimental impact upon the character and appearance of the area.
- 1.2 A plan showing the location of the application site is attached as Appendix A, and a copy of my report to the Area 2 Development Control Committee on the 4th December 2012 attached as Appendix B.
- 1.3 The report was updated to include reference to a letter from Gower Chiropractic Centre confirming that the applicant's father has been treated for joint conditions.

2.0 Planning Policy Issues

- 2.1 With regard the acceptability, in principle, of this form of development at this location, the proposal would result in the introduction of a residential dwelling in the heart of the Gower AONB and wider countryside where such development is strictly controlled and must be justified in the interests of agriculture, forestry or an appropriate use to serve the rural economy and under the provisions of Policy EV20 of the City and Country of Swansea Unitary Development Plan and where Policy EV26 seeks to resist development which would not conserve or enhance the character and appearance of the area.
- 2.2 A full policy appraisal is provided within the main body of my report at Appendix B.
- 2.3 In summary Welsh Government advice provided in paragraph 4.4.1 of Technical Advice Note (Planning for Sustainable Rural Communities) sets out clear function and financial tests which must be satisfied if a dwelling is to be justified in the countryside.
- 2.4 Of specific relevance is the functional need and the requirement for the proper functioning of a qualifying business for a worker to reside on site and to be readily available at all times for example, if to be on hand night and day to deal with an emergency that would threaten the viability and existence of the enterprise without immediate attention. In this respect the evidence submitted in support of the application is limited to the security requirements of the business. This is a secondary matter and not one which would in its own demonstrate a functional need or justify the development of a new dwelling in the countryside.
- 2.5 In addition no evidence, for example a statistical submission describing the operations and the man hours for each element of the enterprise, has been produced to demonstrate that there is a labour requirement for a full time worker and no accounts have been submitted to demonstrate that the enterprise has been run for the last 3 years, been profitable for at least one and is currently financially sound with a clear prospect of remaining so. These are key policy tests which have not been addressed let alone satisfied by the applicant's submission.
- 2.6 Planning Policy Wales (paragraph 3.16) makes clear that whilst the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community may be material to the consideration of an application permission may be granted subject to a condition that is personal to the application. However personal permissions will hardly ever be justified for works, as in this instance that will remain long after the personal circumstances of the applicant have changed.
- 2.7 In conclusion, therefore, it has not been demonstrated that the proposal relates to agriculture or forestry or that it has been run as an independent rural enterprise. No evidence has been submitted to demonstrate a functional need or that there is a sufficient labour requirement for the enterprise to fully employ a full time worker and no compelling evidence has been submitted to satisfy the financial test or that the requirements of the holding could not be satisfied by available accommodation elsewhere in the locality.

On this basis alone it is not considered that there is sufficient justification for a new dwelling at this locations or that established policy and National Guidance should be set aside in this instance.

3.0 Financial Implications

3.1 There are no financial implications associated with this report.

4.0 Legal Implications

4.1 There are no legal implications associated with this report.

5.0 Recommendation

5.1 It is recommended that:

- I. The application is refused subject to the reasons set out in my report in Appendix B

- II. Should Members resolve to approve planning permission contrary to my recommendation that it be approved subject to a S106 Obligation to tie the dwelling to the saw mill and subject to the conditions as detailed at Appendix C.

BACKGROUND PAPERS

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

The following documents were used in the preparation of this report:

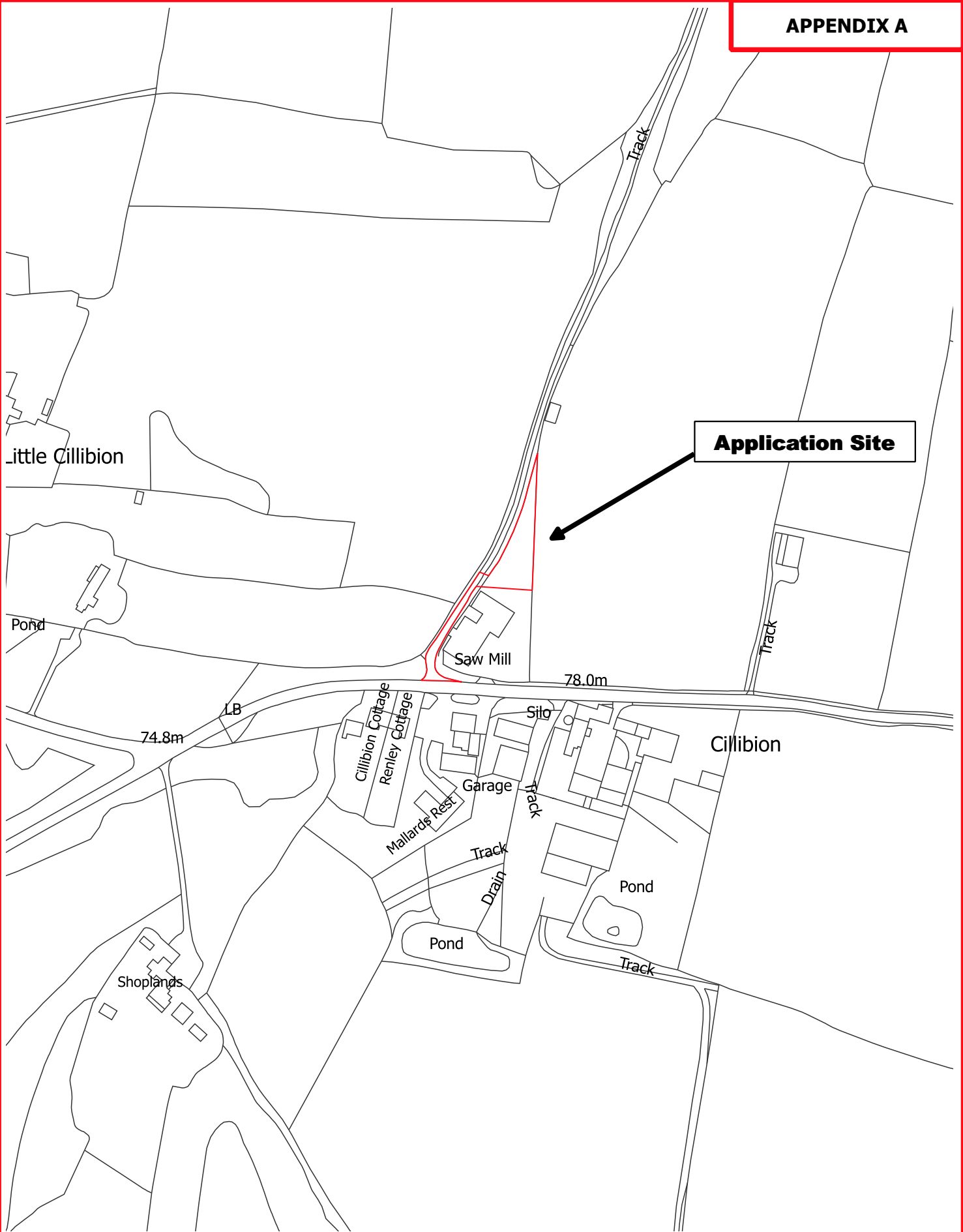
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Appendices:

Appendix A – Location Plan

Appendix B – Committee Report

Appendix C – Conditions



**Planning Application No. 2013/1745
Cilibion Saw Mills, Cilibion, Swansea SA3 1EB**

Scale 1:2500 @ A4

Phil Homes, BSc (Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning

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Ordnance Survey 100023509



ITEM

APPLICATION NO.

2013/1745

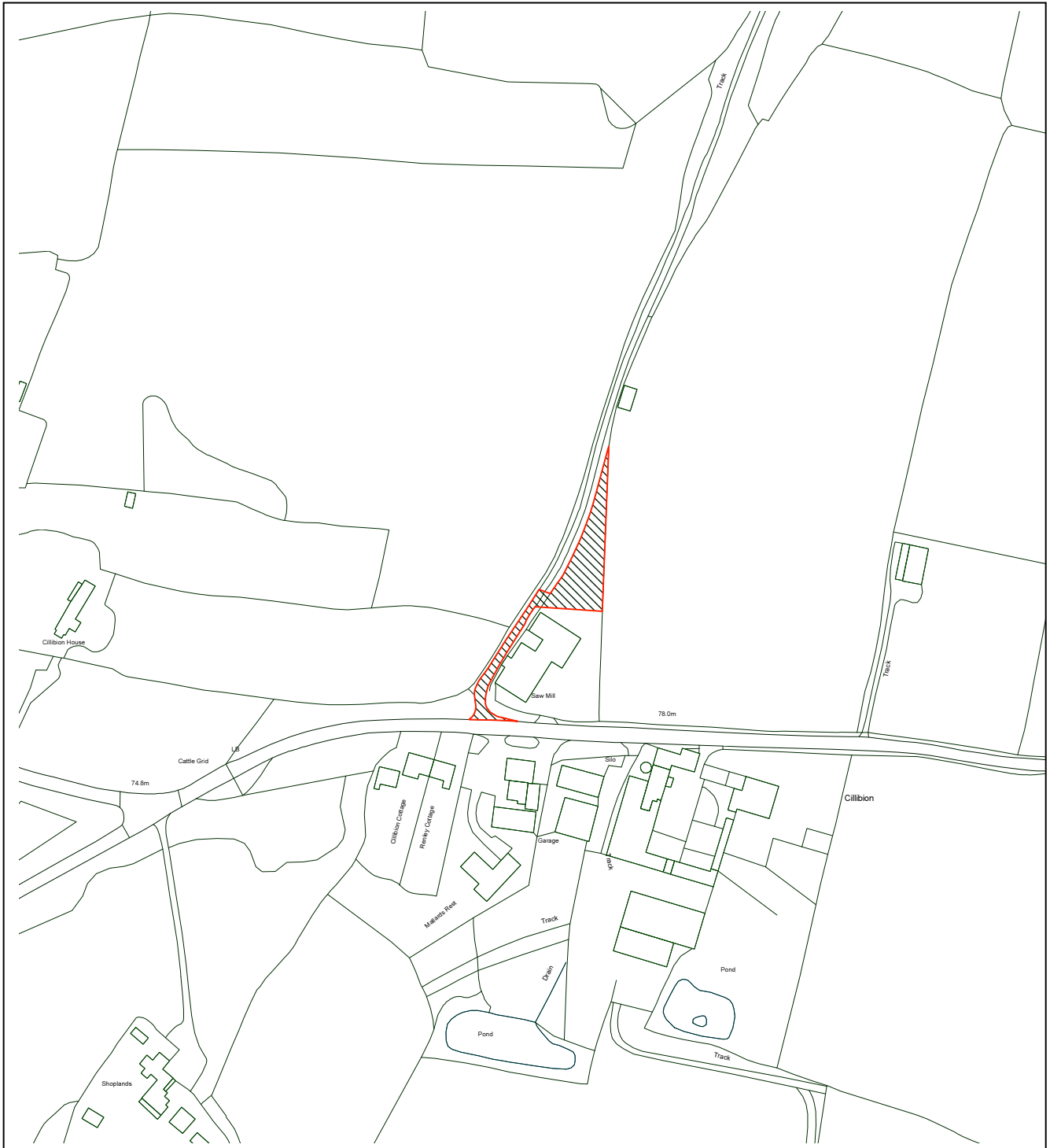
WARD:

Gower
Area 2

Location: Cilibion Saw Mills, Cilibion, Swansea, SA3 1EB

Proposal: Detached dwelling in association with sawmill (outline)

Applicant: Mr Adam Cowley



NOT TO SCALE

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BACKGROUND INFORMATION

POLICIES

| Policy | Policy Description |
|---------------|--|
| Policy EV1 | New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008). |
| Policy EV2 | The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008). |
| Policy EV22 | The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EV26 | Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EV20 | In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008) |

SITE HISTORY

| App No. | Proposal |
|----------------|---|
| 80/0873/01 | ERECTION OF A DWELLING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/08/1980 |
| 84/1112/03 | ERECTION OF A THREE BEDROOM HOUSE. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/01/1985 |

RESPONSE TO CONSULTATIONS

The application was advertised on site. No response.

The Gower Society - have the following comments to make:

1. The sawmill itself appears to be a viable and indigenous rural business.
2. We recognise the need to sustain rural initiatives and jobs within the AONB.

3. If this dwelling were permitted what guarantee is there that the saw mill business would continue to be viable and that the house would not be sold directly after completion?
4. If the business were discontinued the site could be presumably declared a brown field site and a house applied for in its place?
5. We are conscious of your refusal for a domestic static caravan in this location i.e. 2013/0224.
6. Any claim of thefts should be supported by police reports.
7. If permitted it should be associated with a Section 106 Agreement.

We ask that you take the above points into account when arriving at your decision and if allowed a clause be added that ties the house to a rural activity.

Dwr Cymru /Welsh Water – No Objection

Highways - Access to the site is acceptable for the likely level of use that this one dwelling will generate. The indicated site layout is acceptable with parking for three cars and room to turn within the site. I recommend that no highway objections are raised.

Report of Mr R Anstis (Chartered Surveyor) on Behalf of Swansea City & County Council – concludes that the tests are not passed.

Supporting Statement. – Rural Enterprise Dwelling Appraisal

As you are aware, the planning system has a key role to play in supporting the delivery of Sustainable rural communities. It can help to ensure, as in this application, that appropriate development takes place in the right place at the right time by making sufficient land available to provide homes and employment opportunities for local people helping to sustain rural services. Happily the land is available to the rear of the timber yard and Adam Cowley, the applicant, is certainly helping to sustain a rural service which his father previously maintained and has, with his father, maintained the user. It is one of the oldest traditional family businesses still left in Gower, providing a service to the community since the end of the First World War. (Please see enclosed copy letter from Mrs. Austin dated 19th September.)

The applicant meets the goal of the planning system which is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. Mr. Adam Cowley meets all three requirements.

A key requirement is whether the proposed developer enhances sustainability and can generate wealth to support local services and, in particular, the LP A should encourage people to work and live in the same locality, which Mr. Cowley now does, and will in a much better and modern building if the consent required is granted.

New dwellings on established rural enterprises should only be allowed if they meet the Criterion of 4.4.1 Tan 6 dealing with each requirement.

4.8.1 A) there is a clearly established functional need. The business is currently run and has been for many years, by Mr. David Cowley (Father) and Adam, the applicant (son).

Mr. David Cowley, due to his health problems of severe arthritis and joint problems, is no longer able to do heavy work essential when handling timber (a letter from his doctor can be forwarded if necessary, explaining this fact).

It is therefore essential to the continuation of the business that the applicant, Mr. Adam Cowley, lives and continues to work at the premises. On his father's enforced retirement he will take on another employee to substitute for his father and, if the business continues to expand, will take on a further employee, thereby creating new and further employment at the site.

I would stress that his employment is not a 9.00 - 5.00 job but much longer hours are invariably worked, and due to the fact of the many break-ins at the premises (I enclose letter from Mr. Cowley to the Police Authority). The last break-in resulted in the intruders starting a fire which could well have destroyed the business. It is essential, therefore, that Mr. Adam Cowley resides at the rear of the premises. At present he lives in a dilapidated caravan which is far from ideal, and the proposed new house could bring to an end this unsatisfactory scenario. The house will be positioned so that he may maintain surveillance over the timber yard and buildings and deal with potential wrongdoers.

4.9.1 The Time Test has been dealt with under 4.8.1.

4.10 The Financial test.

Please find enclosed herewith a letter from Butterfield & Morgan Ltd., Chartered Accountants, which confirms the requirement of the Financial Test

4.11 Other Dwellings Test.

There are virtually no houses available on Gower that are financially in the price range of Mr. Adam Cowley. Housing on Gower is amongst the most expensive in Swansea and Wales. The Housing Department has none available and neither does the Housing Association.

Houses in the immediate locality (photo enclosed) are too expensive to be contemplated and the current housing development at Scurlage are in the region of £300,000 while those under construction at a closer site in the North Gower Hotel redevelopment are in excess of £400,000.

Mr. Cowley is only able to provide a new home for himself because he does not have to purchase the land on top of the cost of construction. Housing plots in Gower are in excess of £ 100,000.

4.12. With regard to this requirement, a detailed Design and Access Statement by the retained Architect, Mr. Adrian Philips who is also qualified as a Town Planner, is enclosed herewith and full details of the house to be constructed will be submitted as reserved matters when the outline consent has been granted.

I enclose several additional letters detailing the background and desirability of granting your required consent and if there are other matters or further details required, perhaps you would be kind enough to grant myself, Mr. Philips and Mr. Cowley the opportunity to meet with you at your office to resolve any issues, if any. However, I trust you now have all the information to make your decision.

I would add Mr. Cowley is perfectly willing to enter into a 106 Agreement with the Council as he did in April 1985 when a previous application was granted on the 25th April 1985, but which was not proceeded with at that time as he had to choose between buying his in-laws' farm at Bury Green or developing the house, and he did not have enough money to do both.

Response from the Agent to Mr Anstis' report on behalf of City and County of Swansea (received 23rd April 2014)

Dealing with Mr. Anstis' report to you and your queries thereon, I will deal first with his report.

To start, the front page is inaccurate. My application was for "a new rural enterprise dwelling" - Mr. Anstis' report is concerned with an application to "CONVERT" an agricultural build to a rural enterprise worker's dwelling, a completely wrong and incorrect description.

2.2.1 Not significant, states Mr. Anstis.

2.2.2 The fact that the parents own a bungalow some 200 metres from Dunraven Farm is irrelevant and has nothing to do with this application, even though it proves how successful the business is in that they have bought their farm and worked the sawmill profitably for many years.

2.3.1 There is a caravan on site, not a structure.

2.5.1 This caravan, not structure as referred to by Mr. Anstis, has been in the same position since 2006, but Mr. Anstis fails to state caravans have been occupied on this site since 1967 and three caravans have been used on the same site since 2001. The third caravan, due to age, was replaced in 2006. Adam has occupied the last two caravans since the summer of 2000 (see letter forwarded to Mrs. Kelly, 5th June 2013). Mr. Anstis' statement needs updating and it is incorrect of him to state two months.

2.5.2 Mr. Anstis is repeating himself and the reference to his brother's bungalow is completely irrelevant.

2.5.3 Irrelevant.

2.6.1 The sawmill has been established since 1917, almost 100 years. This is one of the last remaining traditional businesses on Gower and one which is of prime importance to the community. Mr. Anstis states "more recently" his son has joined the business. He did, in fact, join the business when he left school some 20+ years ago and has been for a very long time an important, essential and integral part of the business. The business trades under the heading of D. W. G. Cowley trading as Gower Timber Co. with one bank account and one chequebook. Separate accounts are prepared for the Farm and the Sawmill, although they are run under the same business heading, and separate accounts are prepared and such returns are made to the Inland Revenue

Mr. Anstis, in his reply to you, states, "However, he may well be able to show that although it is a separate business (Chartered Accountant's letter confirmed), it does support the farm in allowing it to be viable or more viable. I would expect this to be the case. It would however require that link to Dunraven Farm to be made". Mr. Anstis, therefore, considers that the submission application qualified as a rural enterprise.

2.6.2 Mr. Anstis complains there is no detail on the activities that are carried out at the sawmill. They are not selling fish & chips or ice-cream; they are carrying out the normal activities of a sawmill. It is as silly as asking the owners of a brothel what activities are being carried out at the premises. If Mr. Anstis had been prepared to get off his backside and visit the site, all would have been revealed. There can be no substitute for a site visit. The work carried out is not seasonal but is varied and takes place all the year round.

2.6.3 Mr. Anstis complains no details of the farming enterprise at Dunraven Farm are submitted. These details are immaterial. The application is for a dwelling at the back of Cilibion Sawmill. I trust in any event, as an agricultural expert, he should be well aware of what happens on a farm and its obvious user.

3.1 Mr. Anstis considers there is no material evidence to show that the sawmill is a qualifying rural enterprise under the definition in 4.3.2. I beg to disagree. The sawmill is a process of forestry and is ancillary to that user, and in his reply to you that it qualifies as a rural enterprise. TAN 6, 4.3.2 states qualifying rural enterprises comprise land-related business including agriculture, forestry and the processing of agriculture and forestry together with land management activities and support services. The sawmill contributes in a major way to land management, with the cutting and maintenance of hedges, removal of trees and is in total support of the rural economy.

For Mr. Anstis to state there is no evidence that it is run independently from the farm as an established rural enterprise is nonsense. I enclose the necessary evidence from Butterfield & Co. Chartered Accountants. Mr. Anstis is completely wrong in suggesting that the application should not be considered under TAN 6.4.4, it should. It certainly should not be considered under TAN 4.6 which deals with new dwellings on NEW ENTERPRISES. If he visited the site, it would be obvious to him that the sawmill is an established business. It is beyond belief that the business has traded at a loss as it has provided profitable employment for the family for over 40 years. Mr. Anstis, when he spoke to me, was unaware that Butterfield & Co., the Chartered Accountants, had forwarded a letter to Mrs. Kelly, confirming that the business was profitable (19th September 2013) - further copy is enclosed. Mr. Anstis also referred to the fact that the proposed dwelling was 3,000 sq.ft. I informed him that this figure was nonsense and that Mr. Cowley could not afford 2,000 sq.ft., let alone 3,000. I recommended he speak to Andrew Philips, the retained architect, but he did not do so, other than his original call to find my telephone number.

3.2.1 I accept that the tests should be on the assumption of an established enterprise under 4.4.1.

3.2.1(a) The functional need is beyond dispute and it is essential for the proper functioning of the business for the worker to be readily available on site and is a full-time worker. I am not aware from my reading of 4.4 that this should relate to unexpected situations for which the worker would be required outside working hours. I am pleased to note that he acknowledges that "there may well be a security issue on the site", which Police correspondence and crime numbers confirm. However, he considers security to be a secondary planning issue which I and the owners do not. It is indeed a MATERIAL planning consideration which the LP A must take into account.

In any event, the LPA must take into account the Crime & Disorder Act of 1988 (which Mr. Anstis ignores and does not draw it to your attention). Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they make.

CCTV will not prevent a break-in or prevent an intruder breaking in and, if so minded, setting the sawmill on fire which happened at the last break-in. Contrary to Mr. Austin's recommendation, this test is passed.

3.2.2(b) There is need for a full-time assistant worker on site. Mr. Adam Cowley works in excess of 50 hours a week and longer if necessary. A Local Government worker considers a 5-day 35 hour week is full-time employment. A week at the sawmill would give them a nervous breakdown and cause complete exhaustion. The basic reason for this application is that Mr. David Cowley will shortly have to retire due to ill health (copies of doctor's letters enclosed) with chronic arthritis and the wear and tear of 46 years' hard, physical, work. Thereafter, Adam will have to take on another employee to replace his father as there is no way he could cope with the business and with the day-to-day work and management of this increasingly busy, successful business.

3.2.3(c) The sawmill has been established for many years. Evidence has been submitted to the LPA as to its profitability. Further letters will be submitted from Butterfield, the retained Chartered Accountants, and I trust neither the LP A nor Mr. Anstis will challenge the expertise or honesty of their written evidence.

3.2.4(d) We have submitted to you photographs and prices of new properties being developed at Scurlage and Llanrhidian, varying from f200,000 to f550,000 - prices well beyond what Mr. Adam Cowley, or any young man, can afford. He can afford to build behind the sawmill as he only has to pay for the construction costs and not the land, which will be gifted to him by his parents.

Mr. Anstis refers to 39 properties available to buy for less than £150, 000 within five miles of the site, and 21 properties to rent from £450 p.c.m. would he please detail, for your and my benefit, the addresses of these properties of which I am not aware? In any event, if Adam has to drive to work from one of these properties, by the time he reached the sawmill the break-in could have occurred, the intruders could have fled and if they were so minded as the people responsible for the last break-in, his business could have been burnt to the ground and 40 years of hard work destroyed, which would be a great loss to the Gower community.

I would draw your attention to TAN 6 4.3.1, Rural Enterprise Dwellings, which states one of the circumstances on which new, isolated, residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at or close to their place of work. Whether this is essential in any particular will depend on the needs of the rural enterprise concerned and not on the personal preference of circumstances of any of the individuals concerned. (Lord Scarman's dictum would also apply.)

Mr. Adam Cowley meets all the criteria and you will be aware that PPW Housing Objectives 9.1.1. states a home is a vital part of people's lives; it affects their health and wellbeing, quality of life and the opportunities open to them. The Welsh Government approach as set out in the National Housing Strategy is, inter alia, "to provide more housing of the right type and offer more choice". I trust, Mrs. Tucker, it will not be your intention to smother initiative and make life difficult for hard-working entrepreneurs whose application complies with PPW, TAN 6 and the UDP.

Such a course of action would be directly contrary to the stated wishes of the Council Leader who has exhorted the Council to adopt a "CAN DO" policy and would open the Council to ridicule having regard to their preamble in the Business Directory of 2012 which states in large, bold lettering "CAN WE HELP?" I would trust that we are not dealing with any enemies of enterprise in the LPA.

I enclose herewith a copy of relevant and compelling information from Mr. David Cowley, copies of letters to and from the Police and from Butterfield Chartered Accountants, also Mrs. Austin of Terra Nova, whose grandfather started the sawmill, my Rural Enterprise Dwelling Appraisal, and you already have a copy of the previous planning consent granted in 1985. I would add my client is prepared to enter into a 106 Agreement re the proposed development and in the event you decide to adopt a negative attitude to this application and recommend refusal, we would wish the application to go before the Planning Committee for their decision.

APPRAISAL

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Richard Lewis to assess the impact upon the AONB.

Outline planning permission is sought for the erection of one rural enterprise workers dwelling at Cilibion Saw Mills, Cilibion, Swansea. The application site is located within the curtilage of the existing sawmill which is itself located within the open countryside and Gower AONB.

The proposed dwelling will be sited some 16m north of the main sawmill and will include a parking and turning area forward of the dwelling. Whilst matters relating to appearance, scale, layout and landscaping are reserved for future approval, access will be derived directly of the main B4271.

Issues

The main issues for consideration during the determination this application relate to the principle of a rural enterprise dwelling at this location, the impact of the proposed dwelling upon the visual amenities of the area and wider Gower AONB, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV2, EV3, EV20, EV22 and EV26 of the Swansea UDP, the Supplementary Planning Guidance document entitled 'A Gower Design Guide', Planning Policy Wales 2012 and Technical Advice Note 6 – Planning For Rural Sustainable Communities.

Policy EV20 of the Swansea UDP is the relevant policy when considering new dwellings in Countryside locations such as this. Such dwellings will only be permitted where:

- (i) The dwelling is required to accommodate a full-time worker solely or primarily employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises rather than a nearby settlement, and
- (ii) There is no alternative existing dwelling available in nearby settlements and there are no existing buildings on the farm unit suitable for conversion to residential use, and
- (iii) The proposed dwelling is located as close as possible to the existing farm buildings.

Applications for dwellings such as this are required to be accompanied by objective information assessing:

- (i) The functional need for the dwelling, and
- (ii) Demonstrating the financial sustainability of the enterprise, and
- (iii) The genuineness of the need for accommodation to serve the enterprise.

This is further expanded in Technical Advice Note 6 Planning for Sustainable Rural Communities July 2010 and Planning Policy Wales 2012 paragraph 9.3.7 which have been material changes in planning considerations since the formulation of the Swansea UDP. Paragraph 4.4 of TAN 6 focuses upon new dwellings on established rural enterprises. This clearly states new dwellings should only be allowed to support established rural enterprises provided:

- There is a clearly established existing functional need;
- The need relates to a full time worker and does not relate to a part time requirement;
- The enterprise concerned has been established for at least 3yrs, profitable for at least 1 of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned and
- Other normal planning requirements, for example siting and access are satisfied.

Background

Gower Timber Company (also known as Cilibion Saw Mill) was originally formed some point shortly after World War One, and as such is one of the oldest rural enterprises in Gower which is still running today. The applicant's father purchased the business in 1974 and it remained in the family since, providing the main source of income. The applicant has been solely/primarily employed in the business in a full time capacity and has resided on site in temporary accommodation for many years.

The applicant has submitted supporting information aiming to justify the need for the proposed dwelling in association with the above referred enterprise. This information describes the business and its history. Includes copies of a previous planning permission and S106 Legal Agreement issued for a dwelling on the site (84/1112 refers). A copy of a letter from Butterfield Morgan Ltd. Chartered Accountants dated September 2013 confirming that the business has proved viable over the years; copy of an acknowledgement of report of a criminal offence from South Wales Police dated 1996 and a number of supporting statements provided by the applicants agent, Mr Harry Jenkins.

In response to this submission, the Council's own consultant produced an appraisal report on the applicant's submissions which is examined as follows:

Tenure

The site and the adjacent sawmill, extending to approximately 2.500 sqm in total is owned jointly by the applicant's father and mother. The applicant is therefore assumed to be occupying the site with his father under an informal agreement, but with no formal security of tenure.

Because of the close family link and the long establishment of the business, this lack of technical security is not considered significant.

The applicants' parents jointly own Dunraven Farm as well as a bungalow some 200m from the farmhouse there, occupied by the applicants' brother. The parents live in the Dunraven Farm being owned by the same parties as the sawmills and the application site for a dwelling is clarified further below.

Buildings

The sawmills comprise a set of buildings, internal machinery and external hard-standing and storage area. There is also a poor standard structure on site occupied by the applicant.

Land

The site for the proposed dwelling forms part of the larger area which includes the access road and the sawmills themselves. The proposed curtilage extends to 961sqm, but the whole extends to around 2500sqm. Dunraven Farm is some 3 miles away and has significant further land.

Dwellings

There are no dwellings on the proposed site, or the wider sawmills site, but there is a structure on the site occupied by the applicant. The applicant states that this structure has been the subject of an application for retention via a certificate of lawfulness (2013/0224 refers), the detail of which has not been examined, but it is relevant to the application to note that the existing structure has been in the same position since 2006 and before that the applicant occupied a touring caravan on an adjacent plot for around 2 months, before which an equivalent structure was placed on the same position as occupied as a dwelling.

It is also relevant that the applicants' parents own both this land and Dunraven Farm, upon which there is a dwelling occupied by his parents, adjacent to which is a bungalow occupied by his brother. The applicant states that no other dwellings are owned by either the applicant or his parents.

Enterprise

The sawmill has been run as such on the site for many years and was bought by the applicants father in 1974. The applicants' father may have spent some time in the past residing on site, but for a substantial period of years, he ran the enterprise from his house at Dunraven Farm. More recently, his son, the applicant, has joined the sawmill business. It is not clear from the evidence whether the sawmill is run as a separate business to the farm, with separate accounts or as a part of the main farm business.

There is no detail of the activities carried out at the saw mill, but the applicants father has stated that he owns the business and that the type of work is varied and seasonal no details on the farming enterprise at Dunraven Farm are submitted with this application.

Assessment

The agent presents the application as a new dwelling on an established enterprise. There are two issues that arise from that. Firstly, apart from statements confirming it to be the case, there is no material evidence to show that the rural enterprise is a qualifying rural enterprise under the definition in 4.3.2 of TAN 6.

It is not agriculture or forestry and it is not presented as part of a wider farming enterprise and cannot conceivably be an activity that obtains its primary inputs from the site itself. Secondly, it is not clear from the evidence submitted, despite it being run for many years, that it is run independently from the farm and as an established rural enterprise, warranting assessment under 4.4 of TAN 6, as opposed to being a new enterprise, assessed under 4.6 of TAN 6. Further evidence may be available to satisfy this primary test.

Running through the tests on the assumption that it is an established enterprise, the assessment is examined under 4.4.1 of TAN 6

- a) Clearly established existing functional need: Whether it is essential for proper functioning of the business for a worker to be readily available on site. This should relate to unexpected situations for which the worker would be required outside normal working hours.

The singular evidential reason provided to support the need for a worker to reside on site is security. There are reported incidents and there is no reason to challenge that there may well be a security issue on the site. However security is a secondary planning issue and there is no primary justification offered. It is not clear why CCTV and other security measures could not be established on site as opposed to a dwelling.

THIS TEST IS NOT PASSED.

- b) Full-time worker. The agent and applicant states that there is sufficient labour requirements for the enterprise to fully employ a worker, but there are no statistical submissions, describing the operations and the man hours for each element and without such detail, including the scale and specific nature of the enterprise it is difficult to see how the bland statements can be accepted as evidence required under 4.9.1 of TAN 6.

It is possible that if further evidence were submitted, this test would be satisfied, but as it stands THE SUBMISSION FAILS.

- c) Established for three years, profitable for at least one and a current financially sound enterprise and a current financially sound business need, with a clear prospect of remaining so.

The sawmill as an entity has been established for over three years, but there is no cogent evidence submitted that it has been run as an enterprise independent from the farm as a stand-alone enterprise for a period of at least three years. There are no separate accounts submitted to demonstrate that this enterprise has been profitable (in isolation or as part of the farm) for at least one year or that show the enterprise as financially sound with clear prospect of remaining so.

It is possible that further submissions will show this, but as it stands THE EVIDENCE IS NOT COMPELLING.

- d) Other dwelling – other dwellings available for purchase or rent locally, other dwellings owned by the applicant or already on the same holding, other dwellings that could service a sawmill which was relocated.

The submitted evidence is minimal in terms of presenting all properties available within 5 miles that are available to rent or buy, but very swift search on a popular site reveals 39 properties of two bedrooms or more available to buy within 5 miles of the site at a price less than £150,000. The same site shows 21 properties to rent in the same area, with a rent from £450 pcm.

No detail is submitted of other buildings owned as part of the farm, but certainly there are no buildings on the application site that could be converted.

No evidence is submitted to show why the sawmill could not be relocated to where a dwelling already exists, including the farmyard at Dunraven Farm. There may be cost issues associated with such a relocation that would make it uneconomic compared with the cost of constructing a dwelling here, but certainly THIS TEST IS NOT PASSED.

e) Other planning issues. The concerns highlighted in 4.12.1 of TAN 6 have NOT BEEN ADDRESSED.

In conclusion, the tests are not passed.

The applicants advisor responded to the above conclusions (reported in full above) and on the basis of the content of the response, the Councils advisor Mr. Anstis was consulted once more to clarify the points raised. The following specific questions were asked:

- Q. If the applicant can demonstrate through the provision of additional supporting information that the sawmill provides a 'support service' to the rural economy, could there be a case that the submission may qualify as a rural enterprise?

A. Support service is one that it is ancillary to another specific and related qualifying rural enterprise. For example, if this was a saw mill that supported Dunraven Farm, then it would qualify. The test does not an enterprise that acts as a support service to a wider generic rural community, (See paragraph 2.7 and the last sentence in particular of the Practice Guidance December 2011). The difficulty for the applicant in this case is that (at the moment) he presents the sawmill as a detached and separate enterprise to the main farm. However, he may well be able to show that, although it is a separate business, it does support the farm in allowing it to be viable, or more viable. Indeed, I would expect this to be the case. It would however require that link to Dunraven Farm to be made, or for him to show that a countryside location for this enterprise is justified as necessary and in terms of the nature of services provided and the absence of suitable alternatives.

- Q. If the applicant can demonstrate through the submission of additional information (e.g. siting of a residence may enable the applicant to invest further in the business), could the applicant potentially establish a functional need?

A. The test at 4.8.1 does not have the flexibility to establish a functional need to be proven by allowing further investment in the business to be possible. Such a justification may perhaps support the requirement for the dwelling to be essential "for the proper functioning of the enterprise" but that would not relate to its need to respond to "unexpected situations that might arise" and "emergencies that would threaten the continued viability and existence of the enterprise", given that security is a secondary issue. If security was considered a primary issue in this case, as an exception, then the need to prevent security issues could be presented as the need, but this may create a significant precedential shift on policy interpretation.

(See paragraphs 4.5 and particularly 4.6 of the Practice Guidance - the limits of the interpretation that are shown here).

- Q. Currently it would be fair to say that the applicant has not demonstrated that the sawmill has been run as an independent enterprise from the Farm or that it has operated as a financially profitable enterprise in the last 3 years.

A. Correct

- Q. In the event that they are unable to provide the required financial evidence, and on the basis of the information provided it is unlikely that the applicant will be able to demonstrate that the business is financially sound and therefore in light of this would it then be reasonable for the LPA to issue a temporary consent for the siting of a caravan in order to give the applicant the opportunity to further establish the business from both a financial and functional perspective?

A. This is covered in 4.6.2 of TAN 6 and the test there is whether the tests at 4.4 “are not completely proven”, which by implication may mean that some of the tests have to be passed already. In this case, it is not only the financial test that is problematic. It is also a requirement in giving consent for a temporary dwelling that the authority considers at the point of granting it, that the functional need and all the other tests at 4.4.1 are reasonably likely to materialise by the end of the temporary consent period. Reading through those tests with that perspective, it is difficult to see how the current evidence in this case gives that comfort.

- Q. This would give the Local Planning Authority the opportunity to revisit the business at a later date and establish whether this is a genuine ‘Rural Enterprise’ and also give the applicant a reasonable amount of time in which to expand this important rural business as a separate entity.

A. Agreed that further evidence could be submitted to demonstrate that 4.4.1b,c, d and e could be satisfied now by the submission of further evidence. 4.4.1a is a problem though in relation to a temporary dwelling permission.

- Q. Notwithstanding all of the above, with regard to the “other dwelling” test, do you consider the availability of properties for sale and rent within 5 miles of the site, sufficient to outweigh all of the above, regardless of any additional information/evidence that could possibly be provided?

A. No. If for example, the authority accepted that the reason for the dwelling was from security against fire and theft, then a dwelling beyond the sight and sound of the buildings may not satisfy that need. Certainly, the applicant has failed to present these other properties and then show why they would not meet the purported need, the principle difficulty with this case is that there is no other presented need for the dwelling other than for security and security is a secondary planning consideration for new dwellings in the open countryside, not primary.

Having regard to all of the above it is therefore considered that insufficient evidence has been submitted to satisfy 4.4.1, criterion a-e of TAN 6. The application has failed to prove a functional need; demonstrate that the enterprise is financially sound; or that the need can not be met elsewhere in the locality.

The proposal therefore represents an unjustified development in the countryside and conflicts with National Guidance and the policies of the UDP which seek to protect the countryside from unjustified development and conserve and enhance the character and appearance of the countryside and the Gower AONB. Furthermore, if approved the proposal would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the character and appearance of the countryside and the Gower AONB.

Visual Amenity

The proposed dwelling would be situated within the curtilage of relatively isolated sawmill yard within the Gower AONB. Whilst it is acknowledged that all matters of detail are reserved for subsequent future approval, and as such it may be possible to achieve a satisfactory design, the fundamental overriding objections to the proposal in terms of principle, are such that it is considered to represent an unjustified visually intrusive form of development that would result in unacceptable visual intrusion into the Gower AONB and fail to protect the character of the countryside for its own sake contrary to Policies EV1, EV2, EV22, EV26 and EV20 of the Unitary Development Plan 2008.

Residential Amenity

In terms of residential amenity, the proposed dwelling would be sited in a concealed location to the rear of the main sawmill buildings a sufficient distance away from the nearest adjacent properties. And as such it is not considered that the proposal would impinge upon the residential amenities of the neighbouring occupiers in compliance with the provisions of Policies EV1 and EV2 of the UDP.

Highways

Access to the site is acceptable for the likely level of use that this one dwelling will generate. The indicated site layout is acceptable with parking for three cars and room to turn within the site. The Head of Transportation and Engineering therefore raises no objection.

Conclusion

It is therefore concluded, that the proposal clearly conflicts with the countryside and AONB protection policies and as such would detract from the natural beauty of the countryside in the locality, furthermore, if approved it would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the countryside. In this instance, the need for a dwelling at this site and the reasons put forward by the applicant do not sufficiently override the planning considerations. The proposal is therefore considered contrary to Policies EV1, EV2, EV3, EV26 and EV20 of the Swansea Unitary Development Plan. Refusal is therefore recommended.

RECOMMENDATION:

REFUSE, for the following reasons:

- 1 The applicant has failed to demonstrate a functional or financial need or any other overriding agricultural, economic or social need for this residential unit which would constitute an unjustified form of development that would be detrimental to the character and appearance of the countryside and the Gower AONB contrary to Policies EV1, EV2, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the provisions of Welsh Government Technical Advice Note No. 6.

- 2 If approved the proposal would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the character and appearance of the countryside and the Gower AONB contrary to Policies EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the provisions of Welsh Government Technical Advice Note No. 6.

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: Policies EV1, EV2, EV20 , EV22 and EV26 of the Swansea Unitary Development Plan 2008.

PLANS

10.80.01 site location and block plan dated 29th November 2013

Suggested Conditions

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.

Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

The dwelling(s) shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of sustainability.

The construction of the dwelling(s) hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

Prior to the occupation of the dwelling(s) hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning

Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

The occupation of the dwelling hereby approved shall be limited to a person solely or mainly or last employed at Cilibion Sawmill (which shall include the dependants of such a person residing with him or her) or a widow or widower of such a person.

Reason: Permission is not granted for new development in this area other than that which is genuinely required for rural enterprise.

The proposed development shall remain at all times an integral part of the existing Sawmill enterprise and shall not be sold, let or otherwise occupied, as a separate planning unit.

Reason: Permission is not granted for new development in this area other than that which is genuinely required for rural enterprise.