

# 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, 14 August 2014

**Time:** 5.00 pm

### AGENDA

Page No.

- 1 Apologies for Absence.**
- 2 Disclosures of Personal & Prejudicial Interests.** 1 - 2
- 3 Minutes.** 3 - 10  
To approve as a correct record the minutes of the meetings of the Development Management & Control Committees held on 19 June and 3 July 2014.
- 4 Planning Application No.2013/1011 - Seion Chapel, Pentre Road, Grovesend, Swansea.** 11 - 21  
(Referred from Area 2 Development Control Committee held on 29 July 2014)
- 5 Planning Application No.2014/0306 - Land to the South of Ffordd Cae Duke, Loughor, Swansea.** 22 - 57  
(Referred from Area 2 Development Control Committee held on 29 July 2014)
- 6 Planning Application No.2014/0417 - Land off Monksland Road, Scurlage, Gower, Swansea.** 58 - 81  
(Referred from Area 2 Development Control Committee held on 29 July 2014)
- 7 Planning Application No.2014/0765 - Land at Heron Way, Swansea Enterprise Park, Swansea.** 82 - 97  
(Referred from Area 1 Development Control Committee held on 22 July 2014)

- 8 Planning Application 2013/1815 - Parc Tawe, Swansea.** **98 - 147**  
Alterations to existing retail park comprising demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use), substantial demolition of the enclosed walkway, potential demolition of vacant Class A3 former pizza restaurant, sale of DIY goods in proposed unit 6A, extension of Unit 6A into rear servicing area to form external garden centre with associated enclosure, alterations and refurbishment of building facades, physical enhancements to the existing footbridge and associated ramp, erection of a standalone drive-thru restaurant unit (Class A3), reconfiguration of car parking layout, erection of 3m screen walling; landscaping and public realm works and associated highways works.
- 9 Report on Performance.** **148 - 158**
- 10 Minutes of the Rights of Way Sub Committee. (For Information)**  
To receive the Minutes of the Meetings held on 23 April and 18 June 2014.

<http://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=151&MIId=4562&Ver=4&LLL=-1>

<http://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=151&MIId=4614&Ver=4&LLL=-1>



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**7 August 2014**

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**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, 19 JUNE 2014 AT 5.00 PM

**PRESENT:** Councillor R Francis-Davies (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
J C Bayliss	T J Hennegan	K E Marsh
P M Black	C A Holley	P M Matthews
N S Bradley	P R Hood-Williams	P M Meara
R A Clay	B Hopkins	B G Owen
U C Clay	D H Hopkins	G Owens
A C S Colburn	L James	J A Raynor
D W Cole	A J Jones	R V Smith
A M Cook	J W Jones	R C Stewart
S E Crouch	M H Jones	D G Sullivan
N J Davies	S M Jones	G J Tanner
P Downing	E T Kirchner	C M R W D Thomas
W Evans	A S Lewis	M Thomas
E W Fitzgerald	R D Lewis	L J Tyler-Lloyd
F M Gordon	P Lloyd	T M White
J E C Harris		

#### 7 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors JE Burtonshaw, JP Curtice, WJF Davies, AM Day, CR Doyle, VM Evans, JA Hale, YV Jardine, ET Kirchner, DS Lewis, CE Lloyd, HM Morris, J Newbury, D Phillips, CL Philpott, TH Rees, IM Richard, C Richards, PB Smith, RJ Stanton, M Theaker, C Thomas, DWW Thomas, LG Thomas, GD Walker and LV Walton.

#### 8 **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 JC Bayliss – Minute No 12 (Item 6 - Application No. 2008/1615) – Personal - Substitute Director of SSMC.

Councillor PM Black – Minute No 12 (Item 6 - Application No. 2008/1615) – Personal – Swansea City FC Season Ticket Holder.

Councillor NS Bradley – Minute No 12 (Item 6 - Application No. 2008/1615) – Personal - Director of SSMC.

Councillor ET Kirchner – Minute No 13 (Item 7 - Application No. 2013/1745) – Personal – Purchased wood from premises.

Councillor L James – Minute No 13 (Item 7 - Application No. 2013/1745) – Personal – Member of the Gower Society.

Councillor AS Lewis - Minute No 10 (Item 4 – Application No. 2013/1835) – Personal - Parents live in vicinity of DVLA and are subject to adverse parking issues.

Councillor RD Lewis - Minute No 13 (Item 7 - Application No. 2013/1745) – Personal – Member of the Mid & West Wales Fire Authority.

9 **MINUTES.**

**RESOLVED** that the minutes of the meetings of the Development Management & Control Committees held on 17 April & 8 May 2014 be agreed as a correct record.

10 **PLANNING APPLICATION 2013/1835 - LAND TO EAST OF FELINDRE BUSINESS PARK, FELINDRE, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for the construction of a park and ride/share car park.

The application had been reported to the Area 1 Development Control Committee on 27 May 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 1 Development Control Committee at Appendix B.

**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.

11 **PLANNING APPLICATION 2013/1441 - LAND ADJACENT TO LLYS PENTRE, LLANGYFELACH ROAD, BRYNHYFRYD, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for a new primary care centre with pharmacy and associated parking and works.

The application had been reported to the Area 1 Development Control Committee on 27 May 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 1 Development Control Committee at Appendix B.

**RESOLVED** that subject to there being no new material planning objections in relation to the principle of development on the greenspace system by 8 July 2014 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 together with an additional condition to provide advertisement signage at the site entrance.

12 **PLANNING APPLICATION 2008/1615 - BERNARD HASTIE AND CO AND ADJACENT MALIPHANT SIDINGS, MORFA ROAD, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for residential redevelopment of the site at the former Bernard Hastie & Co Site.

The application had been reported to the Area 1 Development Control Committee on 27 May 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 1 Development Control Committee at Appendix B.

Report updated as follows – The applicants have provided an update in respect of archaeology and cost. The developers archaeologists have been in further discussion with GGAT following the initial works and the submission of their report. GGAT have advised the following:

*Based on this report, we are likely to recommend a Section 23 intensive watching brief condition (WSI with contingency arrangements for unexpected discoveries, then strip and record any structures, features associated with the earlier industrial activity on the site).*

The developers indicate they have obtained an estimate of the cost of the works amounting to £75,000 including equipment. The Archaeological work o date has been £20,000. Together these add further to the abnormal costs associated with developing the site. The cost of archaeology is therefore likely to be in the region of a further £95,000 without allowing for any unexpected discoveries. This raises the abnormal costs to £1.5m.

**RESOLVED** that the application **BE APPROVED** subject to the conditions set out in the report to the Area 1 Development Control Committee, attached as Appendix B and to a S106 Obligation and that officers negotiate with the applicants/developers regarding S106 requirements.



13 **PLANNING APPLICATION 2013/1745 - CILIBION SAW MILLS, CILIBION, SWANSEA.**

The Head of Economic Regeneration & Planning submitted a report to determine the application for a detached dwelling.

Mr Cowley(applicant) spoke in support of the application. Visuals were displayed as part of his address.

The application had been reported to the Area 2 Development Control Committee on 3 June 2014. The application was referred to the Development Management and Control Committee contrary to Officer recommendation with a recommendation that planning permission be granted subject to a Section 106 agreement to tie the occupation of the dwelling to the sawmill.

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.

**RESOLVED** that the application **BE APPROVED** contrary to Officer recommendation as a departure from the Development Plan subject to the conditions set out in the report attached as Appendix C and for the reason outlined below.

Reason

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 and subject to a S106 Obligation to tie the dwelling to the sawmill.

The meeting ended at 5.57 pm

**CHAIR**

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE MEETING OF THE SPECIAL DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON  
THURSDAY 3 JULY 2014 AT 5.00 P.M.

**PRESENT:** Councillor R Francis-Davies (Chair) presided

<b>Councillor(s):</b>	<b>Councillor(s):</b>	<b>Councillor(s):</b>
J C Bayliss	J E C Harris	J A Raynor
J E Burtonshaw	C A Holley	T H Rees
M C Child	P R Hood-Williams	C Richards
R A Clay	V Y Jardine	N M Ronconi-Woollard
U C Clay	A J Jones	P B Smith
A C S Colburn	S M Jones	R V Smith
D W Cole	E T Kirchner	R C Stewart
A M Cook	A S Lewis	D G Sullivan
S E Crouch	R D Lewis	G J Tanner
N J Davies	C E Lloyd	M Theaker
A M Day	P Lloyd	C Thomas
P Downing	P M Matthews	C M R D W Thomas
C R Doyle	P M Meara	D W W Thomas
V M Evans	B G Owen	L G Thomas
W Evans	G Owens	G D Walker
E W Fitzgerald	D Phillips	L V Walton
F M Gordon	C L Philpott	T M White

#### 14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P M Black, N S Bradley, J P Curtice, W J F Davies, J A Hale, T J Hennigan, B Hopkins, D H Hopkins, L James, M H Jones, D J Lewis, K E Marsh, H M Morris, R J Stanton and M Thomas.

#### 15. DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS

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

Councillor C E Lloyd - Minute No. 16 - Swansea Bay Tidal Lagoon - Member of Port Health Authority - personal.

Councillor P Lloyd - Minute No. 16 - Swansea Bay Tidal Lagoon - Member of Port Health Authority - personal.

Minutes of the Meeting of the Special Development Management and Control  
Committee (03.07.2014) Cont'd

Councillor P M Meara - Minute No. 16 - Swansea Bay Tidal Lagoon -  
Member of Port Health Authority - personal.

Councillor R V Smith - Minute No. 16 - Swansea Bay Tidal Lagoon -  
Member of Port Health Authority - personal.

Councillor P M White - Minute No. 16 - Swansea Bay Tidal Lagoon -  
Member of Port Health Authority - personal.

16. **SWANSEA BAY TIDAL LAGOON - LOCAL IMPACT REPORT AND  
WRITTEN REPRESENTATION**

The Head of Economic Regeneration and Planning presented a report which appraised the impact of the tidal lagoon proposals on the City and County of Swansea and recommended a Local Impact Report and written representations to the Planning Inspectorate Examining Authority on behalf of the Council along with other recommendations to deal with the procedural aspects of the examination process, including dealing with matters within a statement of common ground and responses to Inspector's questions.

It was outlined that Tidal Lagoon Swansea Bay Ltd. proposed to design, construct and operate a tidal lagoon for the purposes of generating renewable energy. This will be achieved by harnessing the power of the high tidal range in Swansea Bay. The lagoon created as part of the project would enclose an area of approximately 11.5 km sq. of seabed and foreshore of Swansea Bay to create the lagoon. The associated sea walls will be approximately 9.5 km in length and extended in a distorted U shape from the eastern side of the River Tawe to the eastern edge of the new Swansea University Bay Campus, in Neath Port Talbot County Borough Council. The seawall would be a maximum of 107 m wide at the base at the deepest section adjacent to the turbine and sluice gate housing and would narrow as it extended towards the landfalls to a minimum width of 40 m. The visible height of the seawalls above the water level measured at the highest point would be approximately 4 m at high tide and 12.5 m at low tide.

The Authority is invited to provide a response to the Planning Inspectorate Examining Authority on the impact of the proposed tidal lagoon on the City and County of Swansea to allow full engagement with any examination process.

Members asked a number of questions in relation to the report which were responded to accordingly.

Minutes of the Meeting of the Special Development Management and Control  
Committee (03.07.2014) Cont'd

**NOTED** the following amendments to the report:

**Local Impact Report Correction**

Paragraph 8.20 should refer to Appendix C of the White Consultant's Report.

**Local Impact Report Addition**

The following sentence be added to paragraph 21.11:

“The applicant should be financially accountable for this and any other such financial implication arising from the proposed development.”

**Written Representation Addition**

Addition at paragraph 1.41 as follows:

“The position of the City and County of Swansea is therefore to adopt a precautionary approach to the proposed development and it is accordingly requested that if, at decision making stage, there are any residual doubts as to the impact of the scheme, the benefit of doubt should be given to the protection of Swansea Bay.”

**RESOLVED** that:

- (1) the Local Impact Report be accepted as the Local Impact Report for the City and County of Swansea and be submitted to the Examining Authority of the Planning Inspectorate in accordance with the timetable for the examination process;
- (2) delegated powers be granted to the Head of Economic Regeneration and Planning to make minor amendments to the Local Impact Report to rectify such matters as typing or grammatical errors;
- (3) that the findings of Kenneth Pye Associates and White Consultants be accepted and presented to the Examining Authority of the Planning Inspectorate as representing the views of the City and County of Swansea and formally form part of the Council's Local Impact Report;
- (4) that the written representation be accepted as the written representation for the City and County of Swansea and be submitted to the Examining Authority of the Planning

Minutes of the Meeting of the Special Development Management and Control Committee (03.07.2014) Cont'd

Inspectorate in accordance with the timetable for the examination process along with a summary version;

- (5) delegated powers be given to the Head of Economic Regeneration and Planning to formally contribute to a statement of common ground to be submitted to the Examining Authority of the Planning Inspectorate in accordance with the timetable for the examination process and within the terms of the Council's Local Impact Report and written representations;
- (6) delegated powers to be given to the Head of Economic Regeneration and Planning to formally respond to the Examining Authority's Inspector's questions in accordance with the timetable for the examination process during the course of the examination and also to make comment on the submissions of other parties including the applicant;
- (7) delegated powers be given to the Head of Economic Regeneration and Planning to formally represent the views of the City and County of Swansea in any topic specific hearing and subsequent requirements in accordance with the timetable for the examination process during the course of the examination, within the terms of the Council's Local Impact Report and written representation.
- (8) delegated powers be given to the Head of Economic Regeneration and Planning to add formal comments on the draft requirements (conditions) of the Development Consent Order;
- (9) delegated powers be granted to the Head of Economic Regeneration and Planning to continue negotiations on the precise level of contribution required towards the Fabian Way Corridor Study Works;
- (10) that an examination progress report be reported to the Development Management and Control Committee scheduled for 9 October 2014.

The meeting ended at 5.45 p.m.

**CHAIR**

# Agenda Item 4

## Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 14 August 2014

Referral of Planning Application Ref: 2013/1011

From Area 2 Development Control Committee on 29<sup>th</sup> July 2014

SEION CHAPEL, PENTRE ROAD, GROVESEND, SWANSEA

**CHANGE OF USE OF CHAPEL (CLASS D1) TO RESIDENTIAL DWELLING (CLASS C3) WITH TWO STOREY SIDE AND TWO STOREY REAR EXTENSIONS**

<b>Purpose:</b>	To determine the planning application for the change of use of chapel (Class D1) to residential dwelling (Class C3) with two storey side and two storey rear extensions.
<b>Policy Framework:</b>	National and Local Planning Policies
<b>Reason for Decision:</b>	Statutory responsibility of the Local Planning Authority
<b>Consultation:</b>	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
<b>Recommendation(s):</b>	Refuse as set out in the report
<b>Report Author:</b>	Ryan Thomas
<b>Finance Officer:</b>	<i>Not applicable</i>
<b>Legal Officer:</b>	<i>Not applicable</i>

### 1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on the 29<sup>th</sup> July 2014, with the recommendation that planning permission be refused as the proposal was tantamount to the formation of an unjustified dwelling in the countryside. 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 on grounds that the conversion of the building would enhance the visual amenities 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 29<sup>th</sup> July 2014 is attached as Appendix B.

## **2.0 Planning Policy Issues**

- 2.1 A full policy appraisal is provided within the main body of my report at Appendix B.
- 2.2 With regard the acceptability, in principle, of residential development at this location, National Guidance in the form of Planning Policy Wales (July 2014) (PPW) and the provisions of Policy EV20 of the City and Country of Swansea Unitary Development Plan seek to strictly control new dwellings in the countryside unless justified in the interests of agriculture, forestry or the rural economy. No such justification has been provided in this instance.
- 2.3 Policy EC12 of the Unitary Development Plan (UDP) provides, however, that in principle the conversion of appropriate buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted.
- 2.4 Residential reuse provides relatively limited economic benefits and in policy terms is the least sequentially preferable re-use for a rural building. In this respect residential reuse can only be justified where it has been clearly demonstrated that the applicant has made every reasonable attempt to secure suitable business re-use and the application is supported by a statement of the efforts which have been made. In this respect UDP Policy EC12 and the Council's adopted Supplementary Planning Guidance entitled "The Conversion of Rural Buildings" requires such buildings to be genuinely marketed for sale for a range of business uses which could contribute to the local economy for a period of at least 12 months and at a price that reasonably reflects its use as a business premises.
- 2.5 In this instance the property has, it is considered, been marketed at an inflated price which more closely reflects residential values or on a "price on application basis". As a consequence in policy terms it is not considered that every reasonable attempt has been made to secure a business reuse for the premises and the proposal, therefore, constitutes an unjustified dwelling in the open countryside contrary to National Guidance, the provisions of Policies EV20 and EC12 of the City and County of Swansea Unitary Development Plan (2008) and the Council's adopted Supplementary Planning Guidance entitled "The Conversion of Rural Buildings" adopted in July 2011.

## **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 for the following reason:

It has not been demonstrated that every reasonable attempt has been made to secure a business reuse for the premises and the proposal, therefore, constitutes an unjustified dwelling in the countryside contrary to the provisions of Policies EV20 and EC12 of the City and County of Swansea Unitary Development Plan (2008) and the Council's adopted Supplementary Planning Guidance entitled "The Conversion of Rural Buildings" adopted in July 2011.

- II. Should Members resolve to approve planning permission contrary to my recommendation that it be approved 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:**

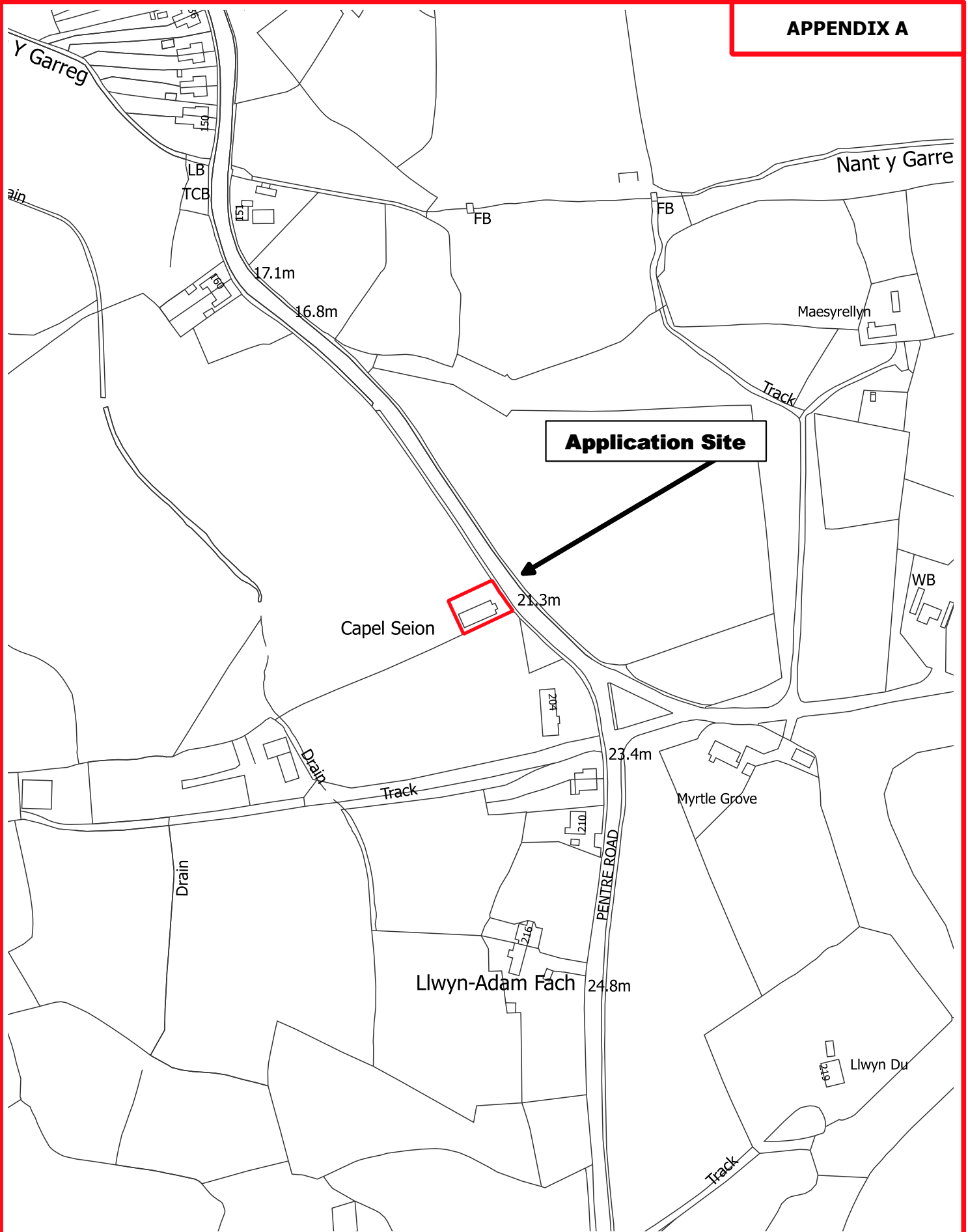
Appendix A – Location Plan

Appendix B – Committee Report

Contact Officer: Ryan Thomas  
Date of Production: 1<sup>st</sup> August 2014

Extension No.: 5731  
Document Name: Seion Chapel





**Planning Application No. 2013/1011**  
**Seion Chapel, Pentre Road, Grovesend, Swansea**  
**SA4 8DD**

**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. 2013/1011  
WARD: Penyrheol  
Area 2

**Location:** Seion Chapel, Pentre Road, Grovesend, Swansea SA4 8DD  
**Proposal:** Change of use of chapel (Class D1) to residential dwelling (Class C3) with two storey side and two storey rear extensions  
**Applicant:** Ms Madeline Richards

## **BACKGROUND INFORMATION**

### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 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)
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 EC12	The conversion of existing buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted subject to a defined set of criteria including the building's structural integrity, its ability to be converted without prejudicing the character of the building or its locality, the building's compatibility with its surroundings, issues of access and highway safety, and the building's past uses etc. (City & County of Swansea Unitary Development Plan 2008)

### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
97/1633	CHANGE OF USE FROM CHAPEL (CLASS D1) TO CHAPEL OF REST

## **RESPONSE TO CONSULTATIONS**

The application was advertised on site and in the local. No third party response was forthcoming.

### **Highway and Transportation:**

The site has adequate parking and turning facilities which will be retained for the converted use. The forecourt is currently open plan and whilst no details of any new front boundary is indicated, I would wish to specify that any new boundary along the Pentre Road frontage should be no more than 1m high to aid visibility when exiting the site.

I recommend no highway objection subject to any front boundary being no more than 1m high.

### **Grovesend and Waungron Community Council:**

Subject to highway impact assessment, no objection

**Glamorgan Gwent Archaeological Trust:** The chapel was constructed in 1885, remodelled or rebuilt in 1894; after its closure it was used as a chapel of rest. This building is of vernacular style and the building has had elements replaced in the modern style. Therefore we have no objection to the positive determination of this application.

### **Corporate Property**

Comment; It is difficult to value a property/site like this and the value will be the price someone is prepared to buy it for and there may be a special purchaser out there. In this case it appears that the property has been on the market since June 2012 at an asking price of £85,000. The agents, in their 'Viewing Summary' state that at this price out of 211 people who requested full details only 4 parties have viewed the property. All have withdrawn with the comment that the viability assessment was not positive at the asking price of £85,000. Usually with that amount of interest not generating any viewings or offers, then the asking price would/should have been reduced.

## **APPRAISAL**

The application is reported to Committee and a site visit has been requested by Councillor David Cole as it involves development not in accordance with the Development Plan and to allow members to assess the impact of the proposed development upon the character of the area.

Full planning permission is sought for the change of use of the redundant chapel building sited off Pentre Road, Waungron, into a single dwelling with associated residential curtilage and parking facilities.

The application site is part of a chapel building which has occupied for a number of uses since its use as a chapel ceased. The principle use in the intervening period was as an undertakers' chapel of rest (Ref: 97/1633 approved on 23/02/1998). Access to the site is

derived directly off Pentre Road. The site is located in an area of open countryside and also within a designated green wedge.

The main issue for consideration in this instance is whether the proposed change of use of this redundant rural building to residential use accords with adopted development plan policy. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations. As such the proposal must be assessed against policies EV1, EV22, EV23, EC12 and EC13 of the Swansea Unitary Development Plan 2008.

There is limited planning history relating to this site. The thrust of National and local policies express a strong preference for business use in the conversion of rural buildings and it is the view of the Local Planning Authority that the proposal has not adequately explored this possibility before attempting to secure consent for a residential use.

Policy EC12 of the UDP supports the principle of the conversion of existing buildings in the countryside to new uses that contribute to the local economy. The residential use of such buildings would not be supported unless evidence is provided that the premises has been actively marketed without success for appropriate business use, or a proposed residential use is ancillary to a business re-use of the premises, or the resulting residential use will contribute to an identified local need for housing or for affordable housing in the location concerned.

With regard satisfying the criteria (i-v) of Policy EC12 it is considered that the building is largely intact and is capable of conversion without prejudicing the original character of the building or significantly compromising the character of the wider area. It should be noted that the proposals to alter and extend the building have been previously agreed at officer level and are regarded as acceptable in this instance.

The building is also considered structurally suitable of conversion in its current form without a major reconstruction.

The Head of Highways and Transportation has raised no objection to the proposed scheme subject to any proposed boundary treatment not exceeding 1.0 metres in height; at present the scheme as supplied does not include provision of a boundary treatment. It is considered in terms of vehicle movements that a residential use may introduce an increase at specific times of the morning and evening however this would have to be considered against the possible levels of vehicle movements throughout the day should a more intensive commercial use resume at this location. On balance in terms of highway and pedestrian safety the conversion to a residential use is considered acceptable.

The building previously operated as a chapel and chapel of rest and no agricultural use or rights have accrued in respect of the building and associated site and therefore criteria (iv) does not apply.

Turning to Criteria (a) of Policy EC12, the building has now been vacant for approximately 3 years. The property was purchased in 2011 with a view to conversion for residential use for approximately £70,000 - £75,000; however, it appears that the purchasers of the chapel and surrounding land were unaware of the policy restrictions that were in place in respect of the conversion of the conversion of rural buildings for residential use.

This current application is supported with evidence of marketing together with statements from local estate agents to the effect that conversion to a business unit is not an economic option owing to its location and distance from tourist attractions. The argument against

the unit providing suitable tourist accommodation has been assessed by Tourism Officers for the Local Authority who highlighted the difficulty of securing viable year round letting outside of honeypot areas forming Swansea Bay. However it is noted that the Swansea Tourism Strategy is focused on the extension of the holiday period into the shoulder months in areas north of the M4 and there is a possibility that in the future walking holidays in this area may serve to provide a more viable income stream.

In late 2013 the applicant instructed their agents to advertise the property on the basis of Price on Application, however, further investigation with the Estate Agents confirmed that offers of less than £70,000 were unlikely to be entertained as the current owners were minded to reduce any potential loss. It is the view of the Local Planning Authority that this intervening period should have been utilised to advertise the property at offers in the region of £50,000 which is the approximate valuation placed on the unit by the Local Authority Valuer for Estates. The Estate Agent for the applicant did not accept the valuation provided by the Local Authority as being realistic.

In respect of Criteria (b) of Policy EC12 no mixed use scheme has been proposed and the applicant has clearly expressed that this is not a viable alternative and as such options that may be applicable under Criteria (b) have not formed any part of this determination.

Turning to Criteria (c) no evidence has been provided to the Local Planning Authority to suggest that there is an identified local need for affordable housing at this location.

The application property is sited approximately 45 metres to the north of No. 204 Pentre Road which is the nearest residential property and on this basis the Local Planning Authority is also mindful of the potential impact of any business use upon the residential amenities of these occupiers, which would be a material consideration, and on this basis, it is considered that this further limits the re-use options for the building.

It is acknowledged that the existing chapel unit benefits from a defensible boundary which would serve to delineate the building and its curtilage from the surrounding countryside and the nature of the building is such that it may be capable of conversion into a residential dwelling without prejudicing the intrinsic character.

The plot is bounded to all sides by agricultural fields with the exception of its eastern boundary which fronts directly onto Pentre Road the boundary treatment to the north south and west inhibit long distance views and as such serve to minimise the visual intrusion into the surrounding countryside. It is proposed that the area of hard standing currently in situ will be partially given over for domestic curtilage and parking once the proposed extension and associated renovations are completed.

The application building has been assessed in respect of its potential for providing harbourage to protected species; a bat survey was requested in support of the application. The submitted report dated May 2014 indicated no significant bat activity recorded at the site, notwithstanding this, a standard advisory note is recommended as a precautionary measure should the application receive the grant of planning permission.

The proposed residential unit would have a very limited curtilage and offer only 2 dedicated parking spaces whereas 3 are recommended in adopted guidelines. Additional room for parking is achievable in the remaining forecourt and on this basis the parking provision is considered acceptable on balance and therefore, the Head of Transportation and Engineering recommends that no highway objections are raised.

## **Conclusion**

In conclusion therefore and having regard to all of the above material planning considerations including the provisions of the Human Rights Act, it is considered that the applicant has failed to provide adequate evidence to meet the test as set out in criteria (a) of Policy EC12 and as such as failed to demonstrate that the building in question has been actively marketed for an appropriate business use. It is considered that there is insufficient justification for the conversion of this building into a new residential unit in the open countryside. Recommendation: Refuse

## **RECOMMENDATION :**

### **REFUSE, for the following Reason:**

- 1 The applicant has failed to provide adequate evidence to meet the test as set out in criteria (a) of Policy EC12 and as such as failed to demonstrate that the building in question has been actively marketed at an appropriate market value for an appropriate business use. It is considered that there is insufficient justification for the conversion of this building into a new residential unit in the open countryside and as such the proposal fails to comply with the provisions of Criteria (a) of Policy EC12 of the City and County of Swansea Unitary Development Plan 2008 and Supplementary Planning Guidance entitled "The Conversion of Rural Buildings 2011"

## **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, EV20, EV22 and EC12.

## **PLANS**

Site plan, 1343\_4-1 existing floor plan and elevations, 1343\_1-1rev B proposed floor plans and elevations, 1343\_4-2 Rev C block plan received 4th July 2013.

## APPENDIX C

### Proposed Conditions Re: Seion Chapel Ref 2013/1011

- 01 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.

- 02 Prior to commencement of development samples of the materials proposed for all external surfaces of the development shall be submitted to and agreed 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.

- 03 All doors and windows are to be constructed in timber in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

*Reason:* In the interests of visual amenity.

- 04 The roof shall be finished in accordance with details which are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

*Reason:* In the interests of visual amenity.

- 05 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise agreed in writing by the Local Planning Authority.

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

- 06 A landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme as approved shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

*Reason:* In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), A, B, C and F of Schedule 2 shall not apply.

*Reason:* The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 08 Prior to the erection of any boundary treatment details shall be submitted to any approved in writing by the Local Planning Authority. All boundary treatment shall be erected and thereafter maintained in accordance with the approved details.

*Reason:* In the interests of the visual amenity of the area.



# Agenda Item 5

## Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 14 August 2014

Referral of Planning Application Ref: 2014/0306

From Area 2 Development Control Committee on 29<sup>th</sup> July 2014

**LAND TO THE SOUTH OF FFORDD CAE DUKE, LOUGHOR  
SWANSEA**

**CONSTRUCTION OF A SINGLE STOREY CHANGING ROOM BUILDING, ONE  
FULL SIZE RUGBY PITCH, ONE TRAINING PITCH, A 36 SPACE CAR PARK  
AND INSTALLATION OF 11 X 15M HIGH FLOODLIGHTING COLUMNS**

<b>Purpose:</b>	To determine the planning application for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns.
<b>Policy Framework:</b>	National and Local Planning Policies
<b>Reason for Decision:</b>	Statutory responsibility of the Local Planning Authority
<b>Consultation:</b>	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
<b>Recommendation(s):</b>	Approve as set out in the report
<b>Report Author:</b>	Ryan Thomas
<b>Finance Officer:</b>	<i>Not applicable</i>
<b>Legal Officer:</b>	<i>Not applicable</i>

### 1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on the 29<sup>th</sup> July 2014, which resolved that this application be referred to Development, Management and Control Committee with a recommendation that planning permission be approved as an acceptable Departure from the provisions of the Development Plan.
- 1.2 A plan showing the location of the application site is attached as Appendix A. The report was verbally amended to correct a typographical errors and include late correspondence and a copy of my updated report to the Area 2 Development Control Committee on the 29<sup>th</sup> July 2014 attached as Appendix B.

## 2.0 Planning History

- 2.1 In 1994, outline planning permission was granted to the original owners of the site (British Coal) by the former Lliw Valley B.C. for residential and recreational development, the residential element of which is now constructed and is known as Heritage Park, located to the north of the application site. The outline permission (ref: 92/0293) was, however, subject to a Section 106 Planning Obligation requiring the layout out of the land on the southern section of the site (the current application site) as playing fields (with access from Ffordd Cae Duke) , prior to the occupation of 75% of the houses.
- 2.2 The agreement also included the retention of the land to the east as open space, recreation or agricultural use and the creation of a woodland belt along the eastern boundary.
- 2.3 Following the approval of the outline permission the land was sold off by British Coal in separate parcels to three different parties: Persimmon Homes, Loughor Rugby Club and a local farmer.
- 2.4 Detailed planning permission was then granted in 1997 to Loughor Rugby Club (ref: 96/1195) for “Land filling, re-profiling and drainage works to form rugby and cricket fields, erection of a changing room building, floodlighting, grounds-man store, vehicular access, off site sewers, land profiling and landscaping” on the current application site. This permission was not implemented.
- 2.5 Reserved Matters approval was granted to Persimmon Homes for 88 dwellings in 1998 (98/0032) which are the current houses constructed at Heritage Park. The permission required the developer to comply with the S106 Obligation. However, a subsequent appeal by Persimmon to complete the residential development without complying with the S106 agreement (to provide playing fields) was dismissed by the Planning Inspector in 2000 on the grounds that the S106 agreement “*reflected a wholly appropriate approach to the proper planning of the area and was necessary to secure the comprehensive restoration of the colliery site*”.
- 2.6 In June 2004, Persimmon Homes by way of a S106 Unilateral Undertaking paid to the Authority £225,000 in lieu of providing the playing fields. This money was intended to be used to contribute towards the provision of other recreational facilities in the Loughor Area should the Council see fit, if in the event the land is restored or to be restored by some other means. The site now forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (104) ‘Land South of the Former Cae Duke Colliery, Loughor Road’ where the potential for 212 homes is indicated.
- 2.7 In 2007 an application was submitted by Barratts and Loughor Rugby Club for the construction of 209 dwellings, indoor sports barn, two outdoor sports pitches, new vehicular access off Loughor Road and associated parking, open space and landscaping works (2007/2097). The site included the current application site and also the site which has recently been approved for 106 houses to the south. In addition, the 2007 application also included a significant portion of land to the south which is allocated in the UDP as ‘Green Wedge’ for use for the sports barn and pitches.

The application was recommendation for refusal at the Area 2 Development Control Committee on the 30<sup>th</sup> August 2011 on grounds including that the sports barn and rugby pitches would encroach into the green wedge and would represent an unjustified development into the open countryside. The application was 'deferred' at the Committee in order for the applicant to consider in detail possible alternative sites for the sports building. The application was subsequently 'withdrawn' by the applicants in April 2012.

- 2.8 Since then, and as detailed above, Barratts received planning permission on 25<sup>th</sup> April 2014 (2013/0261) for 106 houses on the southern section of the allocated housing site HC1 (104).

### **3.0 Planning Policy Issues**

- 3.1 Policy HC18 of the UDP states that development of new leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network.
- 3.2 Loughor Rugby Club have subsequently investigated the opportunities available at alternative locations for the playing fields in the local area. However the sites identified, namely Stafford Common, Council owned land at Tre Uchaf and Pont Y Brenin were not considered to be suitable for the playing fields largely due to their size whilst the Stafford Common site is within a green wedge where this type of development is strictly controlled in policy terms. The applicant has also advised that they have considered alternative locations on the edge of the Loughor Rugby Club catchment without success and have concluded that the only viable option is the current application site.
- 3.3 It is therefore considered that the provision of the playing fields on the application site is in accordance with the underlying objectives of Policy HC18.
- 3.4 Notwithstanding the above the proposal is considered to be a 'departure' from the Development Plan as the site forms part of an allocated housing site under the provisions of UDP Policy HC1 (104).
- 3.5 It should be recognised, however, as stated above, that this site has historically been identified as the location for playing fields by virtue of the original outline permission and associated S106 agreement in 1994 (92/0293), and the subsequent grant of permission in 1997 (96/1195). In addition the residential development approved to the south (2013/0261) which is also included within the same UDP housing allocation is considered to be deficient in terms of the National Playing Fields Association Standard and it is considered that the current site would enable the proposed sports facility to be better integrated within the local community by virtue of their location between the existing houses in Heritage Park and the new housing proposed by Barratts to the south.

3.6 In view of the above, given the complicated history of this site and that the proposed playing fields are considered to provide a valuable asset to the local area it is considered that the proposal represents an acceptable departure from the provisions of Policy HC1 (104) of the City & County of Swansea Unitary Development Plan 2008.

#### **4.0 Financial Implications**

4.1 There are no financial implications associated with this report.

#### **5.0 Legal Implications**

5.1 There are no legal implications associated with this report.

#### **6.0 Recommendation**

6.1 It is recommended that the application be approved as a Departure from the provisions subject to the conditions detailed in my report to Area 2 Development Control Committee on the 29<sup>th</sup> July 2014 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.

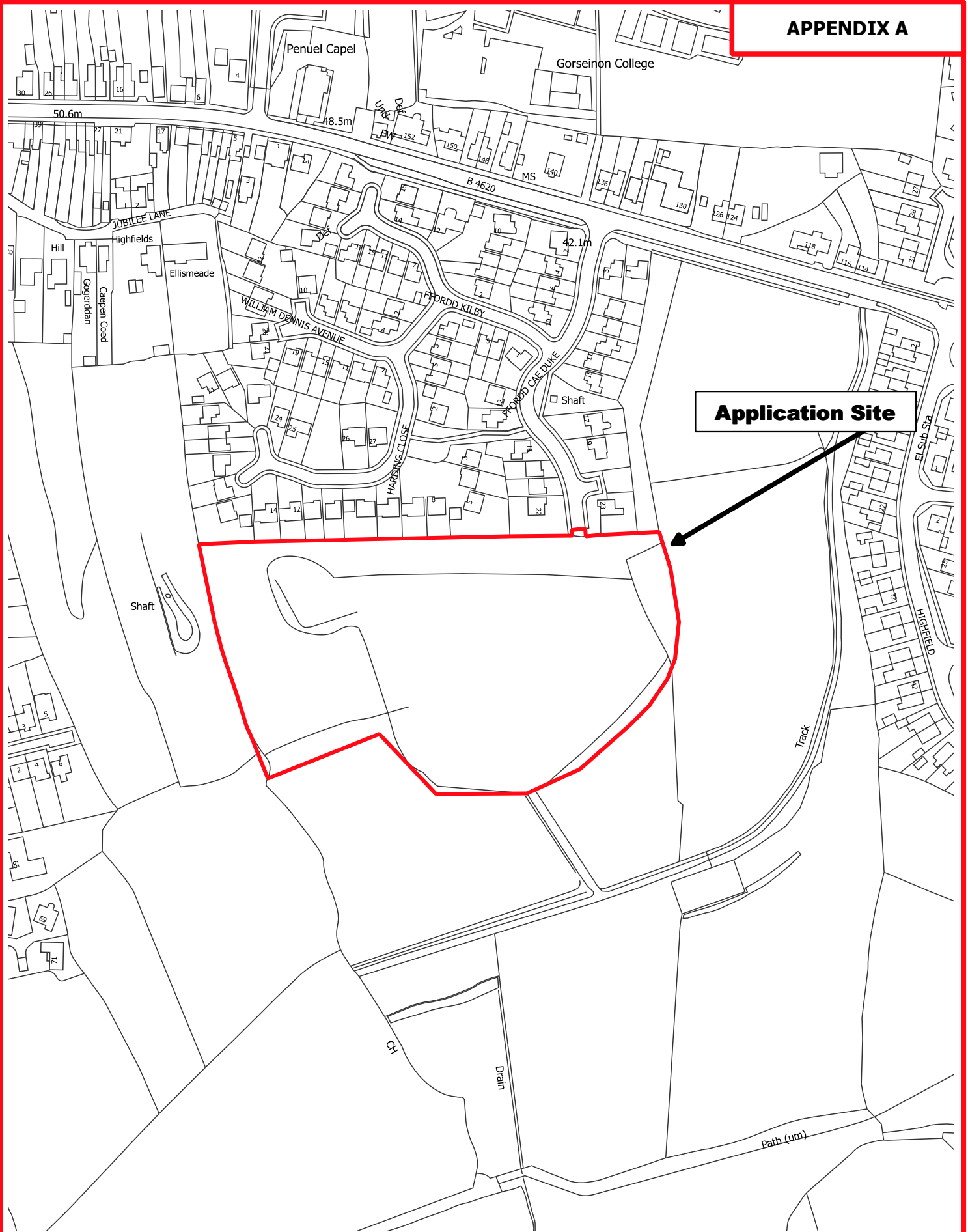
#### **Appendices:**

Appendix A – Location Plan

Appendix B – Committee Report

Contact Officer: Ryan Thomas  
Date of Production: 1<sup>st</sup> August 2014

Extension No.: 5731  
Document Name: Cae Duke



**Planning Application No. 2014/0306**  
**Land to the South of Ffordd Cae Duke, Loughor,**  
**Swansea**

**Scale 1:2500 @ A4**

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

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ITEM APPLICATION NO. 2014/0306  
 WARD: Kingsbridge  
 Upper Loughor  
 Area 2

**Location:** Land to the South of Ffordd Cae Duke, Loughor, Swansea  
**Proposal:** Construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns  
**Applicant:** Mr Kelvin Lewis

**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)
Policy HC18	New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location 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 HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

## SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2007/2097	Construction of 209 dwellings, indoor sports barn, two outdoor sports pitches, new vehicular access off Loughor Road and associated parking, open space and landscaping works (Additional drainage plans received) Decision: Withdrawn Decision Date: 26/04/2012
2013/0261	Construction of 106 residential units and associated works, including a new access spine road, public open space, recreational space, surface water attenuation ponds & reed bed, and public footpath linking onto Waun Road Decision: Perm Subj to S106 Agree Decision Date: 25/04/2014
99/0340	RESIDENTIAL DEVELOPMENT, NEW PLAYING FIELDS, CHILDRENS PLAY AREA AND PROVISION OF SCREEN PLANTING (OUTLINE) Decision: Withdraw Decision Date: 22/10/1999

- 97/0061            VARIATION OF CONDITION 1 OF PLANNING PERMISSION LV/92/0293/01 GRANTED ON 20th JANUARY 1994 TO EXTEND PERIOD BY 12 MONTHS FOR THE SUBMISSION OF RESERVED MATTERS APPLICATION  
Decision: \*HGPCU - GRANT PERMISSION UNCONDITIONAL  
Decision Date: 03/03/1997
- 96/1195            LANDFILLING, REPROFILING AND DRAINAGE WORKS TO FORM RUGBY AND CRICKET FIELDS, ERECTION OF CHANGING-ROOM BUILDING, GROUNDSMAN STORE, VEHICULAR ACCESS AND CAR PARK, AND ERECTION OF 8 NO.16 METRE HIGH FLOODLIGHTING COLUMNS  
Decision: \*HGPC - GRANT PERMISSION CONDITIONAL  
Decision Date: 02/06/1997
- LV/92/0293/01    RESIDENTIAL DEVELOPMENT  
Decision: \*HGPC - GRANT PERMISSION CONDITIONAL  
Decision Date: 20/01/1994

## **RESPONSE TO CONSULTATIONS**

Thirty Two neighbouring properties were directly consulted and two site notices were placed close to the site. The application was also advertised as being a 'DEPARTURE' from the provisions of the Development Plan.

### Original Plans

TWELVE LETTERS OF OBJECTION have been received. The concerns raised are as follows: (summerised)

- These facilities are not suitable in this location
- There has been approved planning for houses to be erected already behind Ffordd Cae Duke - the traffic on Loughor road is already congested, with cars and many coaches travelling to Gower college each day.
- Such facilities as proposed above will once again compound to the congestion to Loughor road and will cause extra light pollution and noise pollution to the local residents, thereby lowering their quality of life
- Loughor Road has seen an increase in traffic in the last year due to the development at Kingsbridge Fields which has planning for 89 + properties. Horizon Walk will also increase traffic with a proposed 106 properties.
- Grass verges are already being driven on and cars parking squarely on pavements, due to there being not enough parking for parents when school commences and ends.
- Students from Gower College park in Ffordd Cae Duke which is the proposed access for the rugby pitches.
- Residents of Ffordd Cae Duke will have traffic behind their property and increased traffic to the front.
- The proposed development has car parking for 28 vehicles, and any excess will park in Ffordd Cae Duke.
- The Residents of Harding Close, will have their properties illuminated by the flood lighting as well as noise pollution.



- Gorseinon and Loughor is already gridlocked due to poor infrastructure
- The proposed changing room building is too close to my boundary, the windows in the north elevation overlook my property & will allow the transmission of noise towards my property.
- The brief states that Loughor RFC intend to use the facilities on Tuesday to Fridays between the hours of 4.30pm and 8.30pm during the rugby season and that other local schools and colleges etc.will also have access to the facilities. Will this be the total number of hours of weekly use or is it intended to be "open house" over weekends and throughout the summer?
- Who will have control and monitoring of the site.
- The brief also states that the site would be gated across the entrance from Ffordd Cae Duke. Would this be policed diligently to ensure that car park would not become a gathering location by opportunists such as college students, travellers or late night 'boy racers'.
- The plans of the site indicate proposed new planting and landscape works would be introduced between the site boundary and the residential properties of Heritage Park. Who would maintain landscaping and ensure that the growth would be controlled? What type of planting would be used?
- Opening access and creating a rugby field seems an unnecessary move by Loughor RFC considering their attendances and already adequate facility on Belgrave Rd.
- Huge impact on the community with no benefit to the local residents as most rugby ground facilities are not open for use by the general public.
- The Site Sections Drawing (C-202, Section A-A) clearly shows that there would be a 30 degree embankment directly adjacent to our boundary fence at the rear of the property (and also the boundary fences of Nos. 8, 9,10, 11, 14 and 15 Harding Close) with a further 90 degree contiguous piled retaining wall some 5 metres high, equivalent to a total 'drop' directly next to our fence of 7 metres. Surely this is way too close to the housing fence boundaries, and the 30 degree embankment and drop beyond would make it impossible to safely carry out any remedial work to maintain our fences, e.g. replace fence posts, replace panels or simply paint the fence. Additionally the foundations of the existing fence would be destabilised by any groundworks or high winds in such close proximity, and any subsequent weakening could result in the fence being severely damaged.
- Mine Workings - No mention is made of the mine shaft directly behind No. 11 Harding Close. A previous survey confirmed its existence.
- Bats – No recent survey has been undertaken (last in 2007). Bats were observed close to the rear of our house during the summer of 2013. Reptiles – No recent survey has been undertaken other than what has been termed 'a general examination'. Amphibians – No thorough survey has been undertaken and again the assertion that there is 'no breeding habitat for amphibians' is erroneous. Birds – Recently some of what we regard as the more rarely spotted birds have been feeding in our garden, namely woodpeckers and jays. Barn owls and cuckoos have undoubtedly been present in the adjacent woodland over the past 8 years, and Red Kites and herons regularly fly over the site.
- Proposed retaining structure and its construction will cause substantial settlement for adjacent gardens and damage to hard-landscaping.
- Retaining structure proposed is not suitable for its location on the site Boundary.
- If this application is accepted then the council should consider making this residential site "residential parking only".

- The cul de sac at the end of Ffordd Cae Duke is an area for children to play but if this is successful then the road becomes unsafe for the children to play outside.
- There maybe a big detrimental affect to the value of properties within the heritage park
- I note that the Coal Board have objected due to the number of potential mine shafts under the land. This objection should trump everything else. If there is a risk of subsidence, no matter how small, then to build playing fields (which are supposed to be flat) is just asking for trouble in the future. It would be unprofessional and ill advised for Officers and Councillors to ignore what the Coal Board have to say.
- The proposed development conflicts with the relevant planning policy framework, particularly in of the fact that the application has been advertised as a departure from the adopted UDP policy HC1 (104) and there are no material planning considerations which justify making an exception to the requirements of the development plan.
- The levels of the site will be wholly disproportionate to the context of the existing residential dwellings and the Barratts properties which were granted in April 2014 (2013/0261). In order to achieve the levels of the site, the proposal will involve substantial excavation and engineering operations to cut and fill the site. The proposed pitched will be positioned approx 6m above the accepted slab level of our nearest houses and these works are considered to be wholly unacceptable and have the potential to greatly undermine the structural capacity of future properties on our development.
- The floodlighting would be sited at the same level as the eaves height of the proposed houses on out site, which will be oppressive, and could generate excessive glare and continuous light which would be detrimental to future residents.
- The development fails to respect the natural gradient or contours or geography of the land and grossly alters the landscape on site which conflicts with the objectives of policies EV1 and EV2.
- It is unclear what form of SUDS will be used to manage surface water and there doesn't appear to be any evidence provided in relation to any groundwater velocity control features. Barratts are resolute in objecting to the proposed development and refuse any change to water volumes that disturbs what has already been modelled and designed with the lagoon ponds in the lower fields at Loughor Road.
- There is no consideration of the mechanics of disposing of the foul waste to the mains system.
- The red-line boundary has been drawn incorrectly as it clearly intersects the site boundary of Barratts residential development.

## **Llwchwr Town Council – No Objection**

### **Amended Plans**

Following negotiations with officers, amended plans were received which showed the following amendments:

1. An increase in the number of parking spaces from 28 to 36
2. An increase in distance between the slope from the rear boundaries of the houses in Harding Close to a distance of 3m.
3. An increase in the distance between the retaining wall from the rear boundaries of the houses in Harding Close to a distance of 10m.
4. Use of a 'crib-lock' retaining wall rather than a 'piled' retaining wall.

All previous objectors were reconsulted with regard to the amended plans.

A further NINE LETTERS OF OBJECTION have been received raising the following objections:

- I am afraid our views remain unchanged.
- We wish to strongly oppose the amended planning application submitted by Loughor rugby club as per the original objection letter.
- I am strongly against any such development to the land south of the Ffordd Cae Duke, the increase in road traffic into the estate will significantly affect the quiet enjoyment of my property and will significantly affect me in terms of noise pollution, light pollution and it will increase the traffic into the development which is already difficult at certain times of the day.
- We don't think that 36 parking spaces would be any where near enough to accommodate that number of players, coaches and people coming along to watch. Obviously the overflow would end up parking on Ffordd Cae Duke, adding further congestion
- This positioning of the changing rooms, in our opinion, will cause tremendous bad feelings among the residents as noise and the inevitable bad language late into the evenings would upset the residents. Surely there is a position further away from the existing houses where the changing rooms could be positioned.
- I was led to believe that the proposed site was for training purposes only and yet the provision of a full size pitch in addition to one for training would suggest that matches against visiting teams will obviously be played at this site .
- I am not objecting outright to the building of such facilities and am certainly a supporter of local sport but I have serious concerns about the close proximity of the site to the boundary of this estate and the likely traffic/parking issues that it would create.
- None of the amendments made have satisfied us neither have they offered any alternatives to the proposed design. We therefore object to the information made in the revised application and would refer to the same grounds of objection made in our previous correspondence.
- Being so close to my boundary, I will suffer loss of privacy and from noise and disturbance from within the building as well as from spectators attending matches.
- I see nothing in the proposals about dealing with any litter generated by the rugby club and it's attendees. If there are no facilities provided people will tend to dispose of their litter over the fence, in people's gardens or in the street.
- I am concerned that if this application is granted, original plans for a Sports Barn, further pitches and parking for cars and coaches will follow, which will again aggravate the above problem.
- The adjacent land is already being developed in to housing and there will be no natural green space dividing Loughor and Kingsbridge .

**Llwchwr Town Council – No Objection**

**Natural Resources Wales (NRW)**

As your Authority is aware, the proposed site is located in an area where there are known foul and surface water sewerage problems. The sewerage network is hydraulically overloaded, resulting in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC during wet weather/storm events. This has resulted in a Memorandum of Understanding (MOU) being prepared to enable development in this area to go forward.

### Foul Drainage

Despite these concerns, the preferred and most sustainable method of foul drainage remains disposal to the main public sewer. We are pleased to note that mains drainage is proposed for this application. We would recommend that you consult with Dwr Cymru Welsh Water (DCWW) to ensure they are satisfied that capacity exists at this location to accommodate the flows generated without causing pollution. Please note we would object to any proposals for a private treatment system at this location.

We would also remind you of the requirements of the MOU which advises additional foul flows should only be connected if capacity is created in the sewerage network by removing surface water. We would therefore encourage the developer to work with DCWW to identify a scheme to remove surface water from the sewerage network. Any agreements/ commitments undertaken should be recorded on your Authority's Hydraulic Register.

In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in addition to the Habitats Regulations considerations in respect of Phosphorus, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed at the Llannant WWTW to that expected to be produced by this development at the time of completion. This would help prevent further deterioration in levels of Phosphorus in the Burry Inlet

### Surface Water Drainage

Due to the sewerage capacity issues in this area it is imperative that no surface water from this proposal is allowed to enter the existing infrastructure.

We are pleased to note from the application form that sustainable drainage systems (SUDS) are to be implemented to manage surface water. It is unclear however what form of SUDS is to be used. The Design and Access statement makes reference to site drainage and states that the drainage solution has been "...drawn up in conjunction with advice from the City and County of Swansea's drainage department the outfall ties in with the housing site proposal and based on the discharge rate they've provided to us by the City and County of Swansea". From this, it is understood that surface water will discharge to a watercourse via an attenuation tank and hydrobrake. Ideally, SUDS such as grassed swales /soakways etc should be investigated and implemented on site rather than hard engineering solutions like an attenuation tank. If however your Authority's drainage engineers are satisfied with the proposals we would no further comments in this regard.

Whatever surface water management system is implemented it should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change. The full details of the surface water system should be submitted and approved to the satisfaction of the Local Authority to ensure there is no increased flood risk elsewhere.

### Ecology

We note the recommendations outlined in section 5 of the survey report 'Eco Report, Cae Duke' *Amber Environmental Consultancy, 2014* and advise that, where appropriate, their implementation is secured by condition attached to any permission your authority issues.

### Pollution Prevention

All appropriate pollution control measures must be adopted on site during the construction phase and we would recommend that the guidance provided in the relevant Pollution Prevention Guidance Notes (PPGs) should be followed. The PPGs are available from the environment agency website at:

### Dwr Cymru / Welsh Water (DCWW)

We would request that if you are minded to grant Planning Consent for the above development that the conditions and advisory notes provided below are included within the consent to ensure that no detriment to existing residents for the environment and to Dwr Cymru Welsh Water's assets.

Dwr Cymru has no objection to the proposed development

### Coal Authority

#### Initial Comments

The Coal Authority Response: **Substantive Concern**

The Coal Authority recommends that the LPA advise the applicant that the coal mining information as submitted in the Mining Risk Assessment (Ref. 9833/AF/07) does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **maintains its objection** to this proposal.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

#### Additional Comments

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority previously objected to this planning application in a letter to the LPA dated 28 March 2014 as it was considered that the submitted Coal Mining Risk Assessment did not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.

The Coal Authority is therefore pleased to note that the applicant has submitted the full Site Investigation Report (June 2007) covering the application site and a wider area, which now accompanies this planning application. The Site Investigation Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping, historic mapping and intrusive site investigations. Based on this review of sources of geological and mining information the Site Investigation Report concludes that shallow mine workings do not pose a risk to the future development of the site. Accordingly, no specific remedial measures are recommended to address areas of shallow mine workings.

The recorded mine entry within the site has been filled in the past, although details of the treatment are not available. Although no built development is proposed over the position of the recorded mine entry, The Coal Authority is concerned that the mine entry, which is located in close proximity to one of the pitches, poses a risk to users of the rugby facilities. The Coal Authority suggest that two options are available to the applicant; either the mine entry is located, investigated and treated or the layout of the pitches is revised in order to provide an appropriate stand-off distance from the mine entry. If a stand-off distance is provided from the mine entry then The Coal Authority considers that the stand-off area should be fenced off.

The Coal Authority therefore **maintains its objection** to the proposal

#### Final Comments

The applicant has taken the opinion of a Structural Engineering Consultant and now accepts that the mine entry within the application site needs to be located and inspected. This is in accordance with the recommendations contained within The Coal Authority's letter dated 24 April 2014.

The Coal Authority Recommendation to the LPA:

The Coal Authority considers that mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Mining Risk Assessment (Ref. 9833/AF/07) and email from Mr Dylan Gravell to Mr Howells dated 6 May 2014 are sufficient for the purposes of the planning system and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority therefore **withdraws its objection** to the proposed development subject to the imposition of the above condition.

#### **Glamorgan Gwent Archaeological Trust**

An archaeological evaluation of the area immediately to the south of the proposed project was conducted by Cambria Archaeology (2007). An updated Archaeological Desk-Based Assessment was conducted by the Dyfed Archaeological Trust (report number 2012/79) in 2012. These studies indicate that it is likely that archaeological remains associated with Waun Colliery and Cae Duke Colliery are present within the project area. In addition, it seems that the several of the hedgerows on the property are likely to be historically important as they appear to predate the Inclosure Acts.

The proposed works will include a substantial amount of ground disturbance that will destroy any archaeological remains within the project area. As a result there is a need to mitigate any likely archaeological impacts resulting from the proposed development.

Consequently, whilst we do not object to the granting of planning permission for this development, in our role as the archaeological advisors to your Members we strongly recommend that a condition be attached to any consent that is granted ensuring that a programme of archaeological investigation be implemented during the construction work. We envisage that this programme of work would include the assessment and recording of any historic hedgerows on the property, and a watching brief during the initial topsoil stripping/ground work required for the development. The programme would also specify detailed contingency arrangements to ensure that sufficient time and resources are available to ensure that any archaeological features encountered during the development are properly excavated, recorded and analysed. In addition, the programme would require that a written report of the results of the programme is submitted to the planning authority. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23 - *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.*

### **Highway Observations**

This proposal is for a training facility and changing rooms for Loughor RFC. The site is located at the end of Ffordd Cae Duke and is to be accessed directly from the end of the highway.

Parking facilities are indicated with approximately 36 parking spaces which includes for disabled users. The facility will consist of a training pitch and a full size pitch for predominantly training purposes and the occasional second team game if necessary. Current facilities at Belgrave Road are over used as all activities take place on a single pitch which is affecting the usability of the rugby field.

The facility is geared towards being a secondary facility and will not host any major fixtures as all such games will continue to be held on the main site at Belgrave Road. Traffic issues are unlikely to arise provided that the use is restricted to its indicated purpose and should second team fixtures be held on the site, a car park and traffic management plan should be implemented.

On balance, I recommend that no highway objections are raised subject to the submission and subsequent approval of a parking and traffic management plan for the site to cover any competitive fixtures. The approved management plan shall be implemented on match days.

### **Drainage Observations**

#### **Initial Comments**

We have reviewed the application as submitted, however based on the details included we must recommend that the application be withdrawn or deferred. The application form indicates that a sustainable drainage system will be utilised however no details at all have been submitted with respect to the chosen systems location, size, discharge point/s, discharge rates and performance on site.

For any planning application a Drainage Strategy appropriate to the scale and nature of the development must be submitted for our consideration and supported by an evidence base i.e. soakaway tests, hydraulic calculations etc.

### Final Comments

We have reviewed the submitted surface water drainage strategy and would recommend the following conditions be appended to any permissions given.

1. The site shall not discharge at any rate greater than 5l/s as stated in the email dated 19 March 2014 from CB3 Consult Ltd.

Reason : To prevent increased surface water run-off and flood risk from the development.

2 . The surface water drainage scheme as illustrated on drawing C0289 C-003 Rev shall be constructed and maintained in perpetuity of the development.

Reason: To ensure that a fully functioning and maintained surface water drainage system is in place to avoid increasing flood risk to adjacent/downstream third party landowners.

### **Pollution Control Observations**

No Objection subject to conditions regarding:

Floodlighting - the hours of operation of the floodlighting not to be operated after 22.00 on any day, and not to operated when the playing fields are not in use.

Construction – a Construction Pollution Management Plan (CPMP) be submitted

### **Ecology**

The area that has been cleared of vegetation has low ecological value, the southern hedge is of value as a habitat and as a wildlife corridor. The retention of this will in part mitigate for the loss of habitat on the wider site. Please add a condition requiring this to be retained. It is likely that this hedge is used by bats either for commuting or as a feeding area. All bat species are disturbed by increased light levels the hedge line should be protected from unnecessary lighting. There is a badger sett within 30m of the site it is possible that a badger licence will be required for any work on the site near the sett. Please add an informative to any permission we give that a Badger Licence is applied for prior to work starting.

THREE LATE LETTERS OF SUPPORT have been received and ONE PETITION of SUPPORT (449 signatures) has been received.

### Support Comments

- Loughor Rugby club to a very good job in the local community and should be supported by both Members and Officers
- The facility is long overdue for the youngsters in Loughor
- We have lived in Heritage Park since 2000 and our home was purchased in the full knowledge that the former colliery tip was to be a sports field.
- A field where our local children can safely play sport is preferable to the site being used for housing.
- We note the comments and objections from other residents regarding the traffic, which indeed at peak times are concerning, however it is our understanding that the facilities will be used at off peak times and in our view will not add to the traffic at these busy times.



### Petition (449 signatures)

- We the undersigned confirm our support of the application by Loughor Rugby Club, a club rooted in its community seeking to provide proper facilities for the young people of Loughor.

ONE ADDITIONAL LETTER OF OBJECTION has been received from Barratts Homes regarding the site boundary and land ownership. In addition they believe that the proposal does not represent a viable or realistic use of the land and that the proposal would bear a detrimental impact upon acknowledged importance.

ONE ADDITIONAL LETTER OF OBJECTION from a local resident has been received – concerns raised:

- Further to my comments registered online when the application was made I have since had a visit from a representative of Loughor Rugby Club and can honestly say I'm even more concerned about this development.
- The representative from the Rugby Club confirmed the facilities would be used by over two hundred members making in my opinion the proposed parking inadequate and the increased weekly traffic unsuitable for this small residential estate.
- I also asked the question if the playing/training facilities would be open to the public and the answer was unsurprisingly no. The residents appear to be making all the sacrifices with this development without any benefit.
- I don't feel there will ever be a decent relationship between the club and the residents if the uncompromising and high pressured visit I had from the club wanting my support is anything to go by,

### **APPRAISAL**

The application is reported to Committee for decision and a site visit has been requested by Councillor Will Evans to assess any likely impacts of the proposed development on dwellings at Ffordd Cae Duke and Harding Close and to assess the objections raised by the Coal Board Authority.

Full planning permission is sought for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11m x 15m high floodlighting columns.

### **Site and Surrounding Area**

The application site lies to the south of Loughor Road on the fringes of the existing urban area directly to the south of houses within Ffordd Cae Duke and Harding Close which forms part of the estate known as Heritage Park. The site is located on the former Cae Duke Colliery site and measures approx 2.5ha.

The site is currently a sloping site with the highest part located at the northern boundary adjacent to the houses in Heritage Park and the lowest part adjacent to the southern boundary. The land to the south of the site has received planning permission on the 25<sup>th</sup> April 2014 for 106 new houses (2013/0261).

The site is currently allocated as a housing site under Policy HC1 (104) of the City and County of Swansea Unitary Development Plan 2008 (UDP)

## The Proposal

The application is for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns

The site is proposed to be accessed from the existing highway – Ffordd Cae Duke within the Heritage Park Estate.

The proposed single storey changing rooms building is proposed to be located in the north-eastern corner of the site, to the south of the property known as 23 Ffordd Cae Duke. It would be L shaped and would be located 4.5m south of the mutual boundary with 23 Ffordd Cae Duke, and 14m to the south of the house itself. The building would have a hipped roof which would measure 2.8m in height to the eaves and 4.7m to the ridge. The building would contain 4 changing rooms (each with their own w.c. and shower), a treatment room, an official's changing room and ladies and men's w.c's. There is no provision for any function room, bar or cafe within the building.

The proposed car parking area would be located at the northern section of the site to the south of 22 Ffordd Cae Duke and 5 Harding Close. The car park would be split into two sections with 4 spaces located immediately adjacent to the changing room building and the remaining 28 spaces located 2.5m to the south of the mutual boundary with no 22 Ffordd Cae Duke and 5 Harding Close and 13m and 14m respectively from the houses themselves. The access road car parking spaces would be finished in a permeable surface allowing rainwater to filtrate into the ground below.

There are 2 proposed rugby pitches, one being a full sized pitch measuring 120m x 70m which would run in an east – west direction and would be located to the south of the proposed changing rooms and the proposed car parking area. It would be located 27m to the south of the northern boundary of the site (the boundary with houses in Ffordd Cae Duke and Harding Close) and would be located 6.5m lower than the existing houses.

The smaller training pitch would measure 80m x 50m and would run in a north-south direction and would be located 11m to the south of the boundary with 9, 10, 11, 12, and 14 Harding Close. It would be located 7m lower than the existing houses.

The proposed floodlights would be sited on top of 15m columns – Eight would be for the full sized pitch and three would be for the training pitch. Each column would be fitted with a 'Champion' light which is designed to be installed without tilting thereby reducing artificial sky glow, glare and intrusive light. The tilted glass inside the lamp enables 88% of the light emitted to be transmitted, whilst the 'virtual' light emitting surface remains horizontal with ground. The floodlighting is only proposed to be operated between 16.30 – 20.00hrs (tues – fri) during the winter months only.

The retaining 'crib-lock' wall would measure 67m in length and would be located 10m to the south of the boundary with 8 Harding Close and 8m from the boundary with 14 Harding Close. The retaining crib-lock wall would measure 4.2m in height. A 1.2m high safety rail would be located at the top of the retaining wall.

A new timber close boarded fence is proposed along the northern boundary and a new gate is proposed at the entrance to the site.

The proposal involves the re-profiling of the sloping site in order to provide a flat section to accommodate the sports pitches. The southern section of the site would be re-profiled and increased in height in a number of locations by approx 3-4m with a new slope ranging between 15-40 degrees. The proposed re-profile slope is proposed to be planted with significant new native plant and tree species to soften the rake of the slope and to reinforce the southern boundary hedge which separates the site from the housing site to the south. The northern section of the site would be lowered by approx 6.5-7m and would partially retained by the crib-lock wall as described above. New native planting is also proposed to the rear of 5, 6, 7 and 8 Harding Close and also along the eastern and western boundaries.

The proposed pitches and changing rooms are to be used by Loughor Rugby club as training pitches and for use by the junior sides. The smaller training pitch will be used by the junior section ranging from 7 – 15 year olds. The full size pitch will be used by the first and second teams for training only. The applicant advises that the maximum number of people at the facility would be 60 (worst case scenario), of which a significant number would be junior. The junior players are often dropped off and later picked up by a parent, and in many cases are 2-3 per car. The applicant states that on the very odd occasion there may be a need for the second team to play a match on a Saturday afternoon at the site, but this would be a very rare event. In the event of a game played by the Second 15 on a Saturday afternoon, the applicant advises that there would be about 22 players per side plus a support coach and physio plus a small number of spectators.

The main club house and first team pitches will remain at the Belgrave Road site, about 500m away from the application site.

The club proposes to use the facility between 16.30 – 20.00 hrs (Tues – Fri) during the rugby season which enables the facility to be used by local schools and collages during the day (subject to agreement with the club).

## **Main issues**

The main issues for consideration with regard to this application relate to the acceptability of the proposal in principle and the impact of the development on the character and appearance of the area, the residential amenity of neighbouring occupiers, access, parking, highway safety and the impact upon environmental interests having regard to the provisions of the policies of the City and County of Swansea Unitary Development Plan 2008 (UDP) listed within the previous pages. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

## **Principle of Development & Planning History**

In 1994, outline planning permission was granted to the original owners of the site (British Coal) by the former Lliw Valley B.C. for residential and recreational development, the residential element of which is now constructed and is known as Heritage Park, located to the north of the application site. The outline permission (ref: 92/0293) was, however, subject to a Section 106 Planning Obligation requiring the layout out of the land on the southern section of the site (the current application site) as playing fields (with access from Ffordd Cae Duke) , prior to the occupation of 75% of the houses. The agreement also included the retention of the land to the east as open space, recreation or agricultural use and the creation of a woodland belt along the eastern boundary.

Following the approval of the outline permission the land was sold off by British Coal in separate parcels to three different parties: Persimmon Homes, Loughor Rugby Club and a local farmer.

Detailed planning permission was then granted in 1997 to Loughor Rugby Club (ref: 96/1195) for "Land filling, re-profiling and drainage works to form rugby and cricket fields, erection of a changing room building, floodlighting, grounds-man store, vehicular access, off site sewers, land profiling and landscaping" on the current application site. This permission was not implemented.

Reserved Matters approval was granted to Persimmon Homes for 88 dwellings in 1998 (98/0032) which are the current houses constructed at Heritage Park. The permission required the developer to comply with the S106 Obligation. However, a subsequent appeal by Persimmon to complete the residential development without complying with the S106 agreement (to provide playing fields) was dismissed by the Planning Inspector in 2000 on the grounds that the S106 agreement "*reflected a wholly appropriate approach to the proper planning of the area and was necessary to secure the comprehensive restoration of the colliery site*".

In June 2004, Persimmon Homes by way of a S106 Unilateral Undertaking paid to the Authority £225,000 in lieu of providing the playing fields. This money was intended to be used to contribute towards the provision of other recreational facilities in the Loughor Area should the Council see fit, if in the event the land is restored or to be restored by some other means. The site now forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (104) 'Land South of the Former Cae Duke Colliery, Loughor Road' where the potential for 212 homes is indicated.

In 2007 an application was submitted by Barratts and Loughor Rugby Club for the construction of 209 dwellings, indoor sports barn, two outdoor sports pitches, new vehicular access off Loughor Road and associated parking, open space and landscaping works (2007/2097). The site included the current application site and also the site which has recently been approved for 106 houses to the south. In addition, the 2007 application also included a significant portion of land to the south which is allocated in the UDP as 'Green Wedge' for use for the sports barn and pitches. The application was recommendation for refusal at the Area 2 Development Control Committee on the 30<sup>th</sup> August 2011 on grounds including that the sports barn and rugby pitches would encroach into the green wedge and would represent an unjustified development into the open countryside. The application was 'deferred' at the Committee in order for the applicant to consider in detail possible alternative sites for the sports building. The application was subsequently 'withdrawn' by the applicants in April 2012.

Since then, and as detailed above, Barratts received planning permission on 25<sup>th</sup> April 2014 (2013/0261) for 106 houses on the southern section of the allocated housing site HC1 (104).

Policy HC18 of the UDP states that development of new leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network.

Loughor Rugby Club have subsequently investigated the opportunities available at alternative locations for the playing fields in the local area. However the sites identified, namely Stafford Common, Council owned land at Tre Uchaf and Pont Y Brenin were not considered to be suitable for the playing fields largely due to their size whilst the Stafford Common site is within a green wedge where this type of development is strictly controlled in policy terms. The applicant has also advised that they have considered alternative locations on the edge of the Loughor Rugby Club catchment without success and have concluded that the only viable option is the current application site.

It is therefore considered that the provision of the playing fields on the application site is in accordance with the underlying objectives of Policy HC18.

Notwithstanding the above the proposal is, however, considered to be a 'departure' from the Development Plan as the site forms part of an allocated housing site under the provisions of UDP Policy HC1 (104).

It should be recognised, however, as stated above, that this site has historically been identified as the location for playing fields by virtue of the original outline permission and associated S106 agreement in 1994 (92/0293), and the subsequent grant of permission in 1997 (96/1195). In addition the residential development approved to the south (2013/0261) which is also included within the same UDP housing allocation is considered to be deficient in terms of the National Playing Fields Association Standard and it is considered that the current site would enable the proposed sports facility to be better integrated within the local community by virtue of their location between the existing houses in Heritage Park and the new housing proposed by Barratts to the south.

In view of the above, given the complicated history of this site and that the proposed playing fields are considered to provide a valuable asset to the local area it is considered that the proposal represents an acceptable departure from the provisions of Policy HC1 (104) of the City & County of Swansea Unitary Development Plan 2008.

### **Visual Amenity**

The site is located between the existing housing site at Heritage Park and the proposed housing site to the south. The access to the site would be from the existing estate road – Ffordd Cae Duke. The site is not highly visible from the public realm close to the site. There are long views of the site from the A484 Link Road and from Bryn Y Mor Road and Penclawdd Road on the other side of the valley.

The site is bounded to the east, west and south with existing hedgerows, the southern and western hedgerows are to be retained and supplemented with additional planting, and the eastern hedgerow is to be removed and replaced by replacement trees and planting. The northern boundary is to be finished with a new close boarded timber fence.

The proposed new changing room building, as described in the Proposal section of this report is a modestly sized single storey building and as such would not be highly prominent in terms of its visibility. The car parking area would again be modest in size and would not unduly impact upon the visual amenity of the area. The 11 proposed flood lighting columns would be 15m in height and would be located between 8.5m and 14m below the level of the existing houses to the north. As such it is considered that they would not be unduly prominent in terms of their visibility during daylight hours.

During the times that the floodlights would be in operation, obviously they will be more visible, but from the long views from the A484 and Bryn Y Mor Road and Penclawdd Road, they would be seen in context with urban street lighting along Loughor Road and the Heritage Park estate.

It is considered that the provision of the playing fields between the existing housing at Heritage Park and the new housing development to the south would act as a 'visual buffer' in retaining 'green space' between the existing and proposed housing developments. As the site is not highly visible from the immediate area, the impacts of the proposed changing rooms and car parking are not considered to be harmful to the visual amenities of the site or the wider area.

As such, in terms of the developments impacts on the visual amenities of the area, the proposal is considered to be acceptable and compliant with the provisions of Policies EV1 and EV2 of the City & County of Swansea Unitary Development Plan.

### **Residential Amenity**

With regard to the impacts upon residential amenity, the existing properties that would be closest to the proposed development are 22 and 23 Ffordd Cae Duke and 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 Harding Close.

The proposed changing room building would be located 4.5m from the boundary fence with 23 Ffordd Cae Duke and 14m to the south of the house itself. The building would have a hipped roof which would measure 2.8m in height to the eaves and 4.7m to the ridge. There are no windows in the side gable elevation of 23 Ffordd Cae Duke facing the changing rooms building. It is considered that given that the building would be single storey and given the 14m distance from the side elevation of the existing house, the proposed changing room building would not cause any unacceptable overshadowing or overbearing impacts upon 23 Ffordd Cae Duke. In terms of potential overlooking impacts, the proposed changing room building would have 5 high level windows at ground floor level which serve the toilets and changing and shower rooms and would be obscurely glazed. As such there would be no overlooking impacts from the changing room building towards 23 Ffordd Cae Duke.

The proposed car parking area to the south of 22 Ffordd Cae Duke and 5 Harding Close, would not cause any impacts in terms of overbearing, overshadowing or overlooking towards those houses.

The proposed use of the site is likely to cause more noise and disturbance upon the existing residents than that which currently exists by virtue of the site being undeveloped and not used at present. Therefore any proposed use is by definition likely to have some impact on the existing residents. It is inevitable that more traffic and people would use Ffordd Cae Duke to access the site, and this would also be the case if the site was developed for residential houses as per the UDP allocation. It is therefore considered that there will, as a consequence of the development of the site, be an impact upon the existing residents, but that given the proposed boundary treatment and the proposed use of the facility between 16.30 – 20.00 hrs (Tues – Fri) during the rugby season this would not unduly harm the residential amenities of the neighbouring dwellings.

The applicant, in the supporting statement, refers to potentially allowing local schools and community groups the use of the pitches when they are not in use by the rugby club.

This could potentially lead to more activity on the site, and as such it is proposed to time limit the use of the facility on a daily basis from 08.30-20.30hrs and that the access gate is to be locked outside of these times. On this basis it is considered that the impact upon residential amenity would be within acceptable parameters and would not justify a recommendation of refusal of planning permission on this issue.

With regard to the floodlighting, the floodlights would be sited on top of 15m columns – Eight would be for the full sized pitch and three would be for the training pitch. Each column would be fitted with a ‘Champion’ light which is designed to be installed without tilting thereby reducing artificial sky glow, glare and intrusive light. The tilted glass inside the lamp enables 88% of the light emitted to be transmitted, whilst the ‘virtual’ light emitting surface remains horizontal with the ground. The floodlighting is only proposed to be operated between 16.30 – 20.00hrs (Tues – Fri) during the winter months only. The technical information for the floodlighting submitted with the application gives an example for a pitch within a urban environment - the luminance levels at a height of 5m is of critical importance as a standard 1<sup>st</sup> floor bedroom window is located approx 5m above ground level. The calculations in the technical information states that at a distance of 78m from the centre of the pitch, the vertical luminance is kept at a minimum and is designed to avoid light spillage onto areas surrounding the pitch. This example is based on the pitch being at the same ground level as the surrounding houses.

In the case of this application, the base of the proposed flood lights would be located between 8m and 14.5m below the existing level of the houses in Heritage Park. With regard to the large pitch, 8 flood lights are proposed with 4 on each side of the pitch. The centre of the pitch would be located 75m from 22 Ffordd Cae Duke and 90m from 23 Ffordd Cae Duke. Given this distance and that the pitch would be 6.5m lower than these two houses, it is considered that there would be no unacceptable light pollution caused to the existing dwellings from the larger pitch. With regard to the smaller pitch, 3 flood lights are proposed on the western side. The centre of the pitch would be located 60m to the south of 11 Harding Close and would be 7m lower than the existing house. Again, given that there are only 3 floodlights proposed and given the distance and the lower level of the pitch, it is considered that there would be no unacceptable light pollution caused to the existing dwellings from the smaller pitch.

With regard to the proposed houses already approved for the southern site, consideration must be given the future residential amenity of these dwellings even though they have yet to be constructed. The southern section of the site would be re-profiled and increased in height in a number of locations by approx 3-4m with a new slope ranging between 15-40 degrees. The proposed re-profiled slope would be landscaped with significant new native planting and tree species to soften the rake of the slope and to reinforce the southern boundary hedge which separates the site from the housing site to the south.

The closest plot of the new development to the proposed larger pitch would be plot 34. It would be located approx 12.5m to the south of the pitch and would have its side gable elevation facing the site boundary. The approved plan for plot 34 shows its rear garden to be bounded by a 1.5m high crib lock wall. The level of the garden would be approx 4m lower than the pitch with a 35 degree slope rising away from the side of its garden. It is considered that given the slope of the land and that the side elevation of the proposed house faces towards the larger pitch that it would not be unduly affected by the proposed development.

Plot 17 is the next closest dwelling with its rear elevation approx 21m to the south the proposed larger pitch. At this point, the proposed plot 17 would be approx 3m lower than the pitch with a 40 degree slope (approx). It is considered that given the slope of the land and the levels change it would not be unduly affected by the proposed development.

Plots 18, 19, 20, 21, 22, 23, 24, 26 and 27 would range between 25 – 40m to the south of the larger pitch.

As mentioned above the re-profiled slope and the boundary hedges are to be planted with additional native species which will help to protect the amenities of the future occupiers of those dwellings.

It is therefore considered that although there will be an increase in activity on the site over and above the current situation, the proposed use of the site as playing fields and the associated changing room building and floodlights would not unduly harm the existing or future residential amenities of the residents adjacent to the site. As such the application is considered to be acceptable and compliant with the provisions of Policies EV1 and EV40 of the City & County of Swansea Unitary Development Plan.

### **Highway Impacts**

The proposed facility will be accessed from the existing estate road – Ffordd Cae Duke.

Parking facilities are indicated with approximately 36 parking spaces which includes facility for disabled users. The development will act as a secondary facility and is unlikely to host any major fixtures as all such games will continue to be held on the main site at Belgrave Road. Traffic issues are unlikely to arise provided that the use is restricted to its indicated purpose and should second team fixtures be held on the site, a car park and traffic management plan should be implemented.

On balance, it is recommended that no highway objections are raised subject to the submission and subsequent approval of a parking and traffic management plan for the site to cover any competitive fixtures. The approved management plan shall be implemented on match days.

### **Ecological Issues**

A Phase 1 Habitat Survey was submitted with the application. The area that has been cleared of vegetation has low ecological value. The southern hedge is of value as a habitat and as a wildlife corridor. The retention of this will in part mitigate for the loss of habitat on the wider site. It is likely that this hedge is used by bats either for commuting or as a feeding area. All bat species are disturbed by increased light levels the hedge line should be protected from unnecessary lighting. There is a badger sett within 30m of the site and it is possible that a badger licence will be required for any work on the site near the sett. The applicant has indicated that a badger proof fence be sited along the western boundary, similar to that approved under the permission for the housing development to the south.

### **Trees**

There are a number of protected TPO trees on the western boundary of the site and two TPO trees within the site towards the western side. All the TPO trees within the western boundary will be retained, however the two TPO trees within the site (T7 Ash and T8 Oak) will need to be removed as the proposed training pitch will be in this location.



The submitted landscape proposal plan indicates that a significant level of new planting will be implemented on the site, close to all four boundaries of the site. The planting will be native species trees and shrubs. A full and detailed landscaping plan has been submitted and will be required to be implemented as part of the permission. On balance, the loss of the of the two TPO trees is mitigated against by the significant level of proposed new trees and planting. In this regard the application is considered to be acceptable and complies with the provisions of Policy EV30 of the City & County of Swansea Unitary Development Plan 2008.

### **Coal Mining Issues**

The Coal Authority initially objected to the scheme due to the lack of satisfactory information with regard to the location of potential mining features and hazards. The applicant has taken the opinion of a Structural Engineering Consultant and now accepts that the mine entry within the application site needs to be located and inspected. The Coal Authority considers that mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the Authority impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works to be carried out prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Mining Risk Assessment (Ref. 9833/AF/07) and email from Mr Dylan Gravell to Mr Howells dated 6 May 2014 are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority therefore withdrew its objection to the proposed development subject to the imposition of the above requirement by condition.

### **Archaeological Issues**

Glamorgan Gwent Archaeological Trust have confirmed that they have no objection to the positive determination of this application provided a condition be attached to any consent granted requiring the applicant to submit a detailed programme of archaeological work in accordance with a written scheme of investigation.

### **Water Quality Issues**

This application is located within the area of ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor CCW towards all development that drains into CBEEMs, and carried out the following Habitat Regulations Assessment

## 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 a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for 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.

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

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

### **Hydraulic Capacity Issues in Gowerton WwTW Drainage Network**

Whilst the LPA is satisfied that it has addresses the issues relating to the Habitat Regulations on this site, there are still outstanding issues in the Gowerton Waste Water Treatment Works (WwTW) catchment area.

In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. The have also prepared a plan of improvements works for Gowerton WwTW catchment area to start in 2020 (AMP7). In the meantime they are prepared to bring forward schemes if developers finance them.

In addition, the Council has kept a register of savings made on brownfield sites and some of these have been completed. The register is required by the Memorandum of Understanding 2011 agreed and signed by the City & County of Swansea, together with its partners Carmarthenshire County Council, Dwr Cymru Welsh Water, and Natural Resources Wales

### **Foul Drainage**

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Gowerton WwTW would be the foul connections. It is estimated that the maximum foul flow from the proposed changing rooms on this site can easily be accommodated by potential surface water removal schemes or compensatory water savings already made from other brownfield developments in the area.

Dwr Cymru Welsh Water has not objected to this scheme

### **Land and Surface Water Drainage**

Initially, the application did not include adequate details of the sustainable drainage system with respect to the chosen systems location, size, discharge point/s, discharge rates and performance on site. Subsequently a Drainage Strategy was submitted for consideration which showed the arrangements for surface water from the roof of the changing room building, car park, and pitches will be discharged via an attenuation tank located underneath the training pitch at greenfield rates.

The Council's Drainage Officer has reviewed the submitted surface water drainage strategy and recommends that it is acceptable subject to conditions that the site shall not discharge at any rate greater than 5l/s as stated in the email dated 19 March 2014 from CB3 Consult Ltd and that the surface water drainage scheme as illustrated on drawing C0289 C-003 Rev shall be constructed and maintained in perpetuity of the development. This to prevent increased surface water run-off and flood risk from the development and to ensure that a fully functioning and maintained surface water drainage system is in place to avoid increasing flood risk to adjacent/downstream third party landowners.

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and are in accordance with the provisions of Policies EV33, EV34 and EV35 of the UDP.

### **Other Material Considerations**

Issues raised by objectors relating to the use of the site for playing fields, UDP policy, traffic, highway safety, parking, intensity of use, light pollution, noise pollution, residents amenity, privacy, impacts from the changing room building, landscaping, gated access, impacts of the levels, embankment and retaining walls, old mine workings, bats, ecology, impacts upon the unbuilt residential development to the south, surface water management, drainage, and foul connections have been dealt with in the preceding paragraphs.

Issues regarding the control and monitoring of the site and the litter from users are a matter for the rugby club management and value of properties within the heritage park is not a material planning consideration.

With regard to the red-line boundary, the applicant has confirmed that it is correct. With regard to the potential future sports barns – full planning permission would be required for any further development on the site.

### **Conclusion**

Having regard to all material a planning considerations, including the provisions of the Human Rights Act, the proposal for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns is considered to be an acceptable departure from the Development Plan in terms of Policy HC1 (104) and is considered to be acceptable in terms of its impact on the visual amenities of the area, the residential amenities of existing and future residential occupiers, impacts on access, parking and highway safety. As such the application is considered to comply with Policies EV1, EV2 EV3, EV30, EV33, EV34, EV35, EV40, HC1, HC18, HC24, AS1, and AS6.

The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues. It is considered that the requirements of DCWW and NRW for compensatory surface water savings in the Gowerton WwTW catchment area can be accommodated for by potential surface water removal scheme or the Council's Register of savings made from brownfield sites within the Gowerton WwTW catchment area.

### **RECOMMENDATION**

**That the application be referred to DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE with a recommendation that it be APPROVED as a departure from the provisions of the Development Plan subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: Prior to the commencement of development on site full detail of an intrusive site investigation works identifying all coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority. Should the site investigation work reveal the need for remedial works to treat any mine entries or other legacy features, all the remedial works shall undertaken and completed prior to the construction of the development and shall be completed in accordance with the details thereby approved. To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason: n the interests of the ecology and amenity of the area. order to establish the exact situation regarding coal mining legacy issues on the site

- 3 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

- 4 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

- 5 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 6 The site shall not discharge at any rate greater than 5l/s as stated in the email dated 19 March 2014 from CB3 Consult Ltd unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent increased surface water run-off and flood risk from the development.

- 7 The surface water drainage scheme as illustrated on drawing C0289 C-003 Rev shall be constructed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a fully functioning and maintained surface water drainage system is in place to avoid increasing flood risk to adjacent/downstream third party landowners.

- 8 The development shall be completed in accordance with the landscaping scheme as shown on approved plans 2014./10Rev E (Landscaping Proposals).The landscaping scheme shall include the retention of and additional planting to the southern boundary hedge and shall include the recommendation shown in Section 5 of the Eco Report by Amber Environmental Consultancy 2014. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 9 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites" attached to this planning permission. No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.
- Reason: To secure the protection of trees growing on the site whilst the development is being carried out.
- 10 Prior to the commencement of development on site, full details of a badger proof fence for the western boundary shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the details thereby approved.
- Reason: To prevent badgers accessing the playing fields.
- 11 No retained trees or hedgerows shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
- Reason: To ensure the protection of the trees and hedgerows.
- 12 If any retained trees or hedgerows are cut down, uprooted, destroyed or die during the construction phase another tree/hedgerow shall be planted at the same location and that tree/hedgerow shall be of a size, species as specified in writing by the Local Planning Authority.
- Reason: To ensure as far as possible that the landscaping scheme is fully effective.

- 13 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should 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 from site related activities [see Informatives].
- Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.
- 14 Prior to the commencement of development on site full detail of an intrusive site investigation works identifying all coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority. Should the site investigation work reveal the need for remedial works to treat any mine entries or other legacy features, all the remedial works shall undertaken and completed prior to the construction of the development and shall be completed in accordance with the details thereby approved.
- Reason: In order to establish the exact situation regarding coal mining legacy issues on the site
- 15 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

- 16 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking areas hereby approved/illustrated on the submitted plan shall be:
- (i) porous or permeable; or
  - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
  - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).
- Reason: In the interests of sustainability.
- 17 Prior to any competitive match fixtures being played on the site, a parking and traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall then be implemented on competitive match days in accordance with the details thereby approved.
- Reason: In the interests of highway safety.
- 18 Prior to the first use of the development hereby approved, the car parking spaces shall be laid out in accordance with the approved plans and shall be maintained as such for the sole use of the users of the playing fields only.
- Reason: In the interests of highway safety.
- 19 The floodlighting hereby approved shall not be operated outside of the following hours :
- 16.30 - 20.00hrs (Tues - Fri) during the winter months only, unless otherwise agreed in writing by the Local Planning Authority. Glare/ overspill light from the installation shall be controlled adequately such that no statutory nuisance impact results on any residential properties.
- Reason: In interests of residential amenity
- 20 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.
- Reason: In the interests of visual amenity.
- 21 The facilities hereby approved shall not be used before 08.30 hrs nor after 20.30 hrs on any day and outside of these times or when the facility is not being used, the access gate shall be locked at all times unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 22 The ground floor windows in the northern elevation elevation, as indicated on Plan No: HG.13.50.01 Rev D shall be obscure glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.



- 23 Before the first use of the development hereby approved the close boarded fence to enclose the northern boundary of the site and the access gate and the means of enclosure of the eastern boundary 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.
- 24 Should any of the replacement tree(s) be removed, die or become severely damaged or seriously diseased within 5 years of planting, It shall be replaced in the next planting season by a tree(s) of similar size and species to that originally planted.
- Reason: In the interests of visual amenity, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 25 The proposed materials for the roof of the changing room building are not approved as part of this planning permission and the roof of the building shall be finished in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the construction of the changing room building.
- Reason: The proposed materials are not regarded as acceptable in the interests of visual amenity.

## INFORMATIVES

- 1 The applicant is advised that the development must be carried out in accordance with the approved plans. If, prior to or during the implementation of this permission, any particulars are found to be inaccurate then the Local Planning Authority must be informed and works shall not commence or be continued until the matter has been resolved. Failure to do so could lead to the serving of an enforcement or stop notice.
- 2 The applicant's attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act, 1995 and to the provisions of Part M of the Building Regulations.
- The document "Designing an Accessible Environment" provides guidance for developers on designing an accessible environment for disabled persons and is available from the Building Control Section of the Environment and Health Department at the Guildhall, Swansea.
- 3 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly

/ intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

5      **INFORMATIVE NOTE:**

This decision relates to planning control only. The Department would advise that if the proposed works require Building Regulations approval this should be obtained from the relevant District Council before the works commence. The Department would also advise that this planning decision does not cover any other approval which may be necessary under other legislation.

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 bird

You 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      This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

8      The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV40, HC1, HC18, HC24, AS1 and AS6

9      The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.

10     The Developer must contact the Team Leader, Highways Management, City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

11     **INFORMATIVE NOTE:**

This site is covered by a Tree Preservation Order and separate consent(s) will therefore be required to do works to any trees not shown for removal, crown lifting or any other operations on the planning applications documents. Outline planning permission does not convey any approval for tree works.

12     The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).

- 13 Floodlighting Note : The applicant should be informed that the installation will be expected to comply with all applicable, current guidance and advice. The following sources of guidance/advice should be brought to the applicants' attention but is not designed to be necessarily comprehensive:  
DEFRA Guidance document: Statutory Nuisance from [Insects and] Light  
<http://www.defra.gov.uk/environment/quality/local/nuisance/light/>  
Institution of Lighting Professionals  
<http://www.theilp.org.uk/index.php?page=environmental>  
ILP Guidance notes for Reduction of Light Pollution  
BS EN 12193:2007  
Light and lighting. Sports lighting
- 14 Construction Noise  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Smoke/ Burning of materials  
No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Guidance provided in the relevant Pollution Prevention Guidance Notes (PPGs) should be followed. The PPGs are available from the environment agency website at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
- 15 There is a badger sett within 30m of the site it is possible that a badger licence will be required for any work on the site near the sett. Be advised that a Badger Licence may be required prior to work starting.

## PLANS

Floodlighting specification  
Dated 27th February

2014.HG.13.50.00 site location plan,  
CC5916 - Floodlight Column Plan

Dated 4th March 2014

C0289 C-004 Rev D -general arrangement,  
C0289-C-002 Rev D - site sections  
HG.13.50.01 Rev D -floor plans, elevations, & block plan,  
C0289-C-001 Rev E - formation cut-fill details  
C0289 C-SK02 - Section through Proposed Crib retaining wall  
PN5216 001 Rev A - Proposed Flood lighting layout  
Dated 14 May 2014

2014./07 Rev E - Tree Survey overlay plan  
2014./06 Rev C - Existing Tree Plan  
2014./10 Rev E - Landscaping Proposals  
C0289-003 REV B - proposed drainage surface water  
Dated 23rd May 2014

# Agenda Item 6

## Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 14 August 2014

Referral of Planning Application Ref: 2014/0417

From Area 2 Development Control Committee on 29<sup>th</sup> July 2014

LAND OFF MONKSLAND ROAD, SCURLAGE, GOWER  
SWANSEA

CONSTRUCTION OF 14 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED  
WORKS

<b>Purpose:</b>	To determine the planning application for the construction of 14 no. residential dwellings and associated works.
<b>Policy Framework:</b>	National and Local Planning Policies
<b>Reason for Decision:</b>	Statutory responsibility of the Local Planning Authority
<b>Consultation:</b>	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
<b>Recommendation(s):</b>	Approve subject to a S106 Planning Obligation as set out in the report
<b>Report Author:</b>	Ryan Thomas
<b>Finance Officer:</b>	<i>Not applicable</i>
<b>Legal Officer:</b>	<i>Not applicable</i>

### 1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on the 29<sup>th</sup> July 2014, which resolved that this application be referred to Development, Management and Control Committee with a recommendation that planning permission be approved as an acceptable Departure from the provisions of the Development Plan subject to conditions and to a S106 Obligation in respect of the provisions of 100% affordable housing which shall be DQR compliant.
- 1.2 A plan showing the location of the application site is attached as Appendix A. The report was verbally amended to correct a typographical error and amend the wording of condition 6 and a copy of my updated report to the Area 2 Development Control Committee on the 29<sup>th</sup> July 2014 attached as Appendix B.

## **2.0 Planning Policy Issues**

- 2.1 The site is situated outside the village, on the periphery of Scurlage and the proposal would result in the rounding off of the northern end of the village. The site forms part of larger parcel of land which was identified in the previously extant Swansea Local Plan Review No1 for affordable housing. Whilst Policy EV16 allows for small scale development within named settlements such as Scurlage, this policy alone would not render the proposal acceptable in principle. However when read in conjunction with Policy EV18 – Local Needs Affordable Housing and in particular Amplification 1.6.9, this acknowledges that Scurlage has the potential to provide local needs affordable housing on land adjacent to the Health Centre.
- 2.2 Having consulted the Director of Regeneration and Housing, it is acknowledged that there is a high demand for affordable housing in the Gower area and as a consequence there is support for bringing forward this site for affordable housing as a departure from the provisions of the Development Plan. It would be a requirement however that the site be developed for 100% affordable housing units would be flexible to meet the tenure requirement at occupation (i.e tenure neutral). All affordable housing units would have to be DQR compliant.
- 2.3 In terms of sustainability the site is situated adjacent to the identified small village of Scurlage along a main bus route to Swansea and is within close proximity to the local school and other community facilities and as such the future residents would not be solely reliant on private car as a method of transport.
- 2.4 Therefore given the identified need for affordable housing in the area given that the proposal is considered to satisfactorily address issues relating to ecology, residential amenity, visual amenity, ecology, drainage and highway safety the principle of local need affordable housing at this location is considered acceptable in this instance and the release of this land as a departure from Policy EV16 is supported in principle.

## **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 the application be approved as a Departure from the provisions of the Development Plan subjected to the developer entering into a Section 106 Obligation to provide 100% affordable housing units on the site, which shall be DQR compliant and subject to the updated conditions detailed in my report to Area 2 Development Control Committee on the 29<sup>th</sup> July 2014 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.

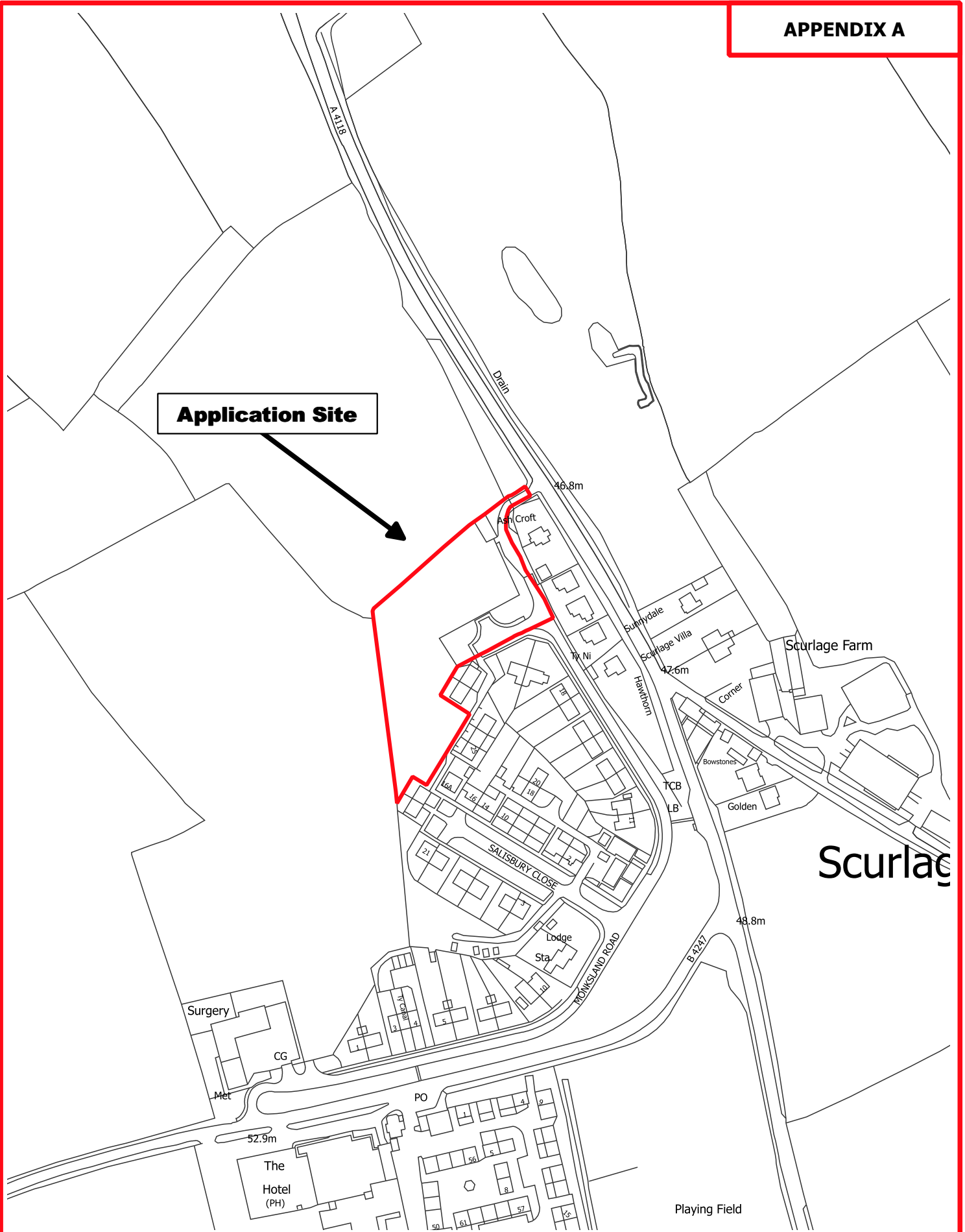
#### **Appendices:**

Appendix A – Location Plan

Appendix B – Committee Report

Contact Officer: Ryan Thomas  
Date of Production: 1<sup>st</sup> August 2014

Extension No.: 5731  
Document Name: Scurlage



**Planning Application No. 2014/0417**  
**Land off Monksland Road, Scurlage, Swansea,**  
**SA3 1AY**

**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. 2014/0417  
 WARD: Gower

**Location:** Land off Monksland Road, Scurlage, Gower, Swansea, SA3 1AY  
**Proposal:** Construction of 14 no. residential dwellings and associated works  
**Applicant:** Mr Lyn Davies

**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 EV16	Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV18	In exceptional circumstance permission maybe granted for the development of small local needs affordable housing sites within and adjoining settlements. (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 EV33 Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV35 Development that would have an adverse impact on the water environment due to:  
 i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,  
 ii) A reduction in the quality of surface water run-off.  
 Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS1 Accessibility - Criteria for assessing location 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)

## SITE HISTORY

App No.	Proposal
75/1599/03	ERECTION OF 135 DWELLINGS AND ONE SHOP Decision: Withdraw Decision Date: 25/08/1976

## RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised on site in the form of a site notice and in the press as a departure from the provisions of the Development Plan. In addition to this 11 properties were individually consulted. 11 letters of objection were received which raised the following issues:

1. Overdevelopment.
2. Drainage.
3. Lack of amenities.
4. Vehicular traffic.
5. Contrary to the provisions of the Development Plan.
6. Sewerage concerns.
7. Congestion.
8. No provision for affordable housing.
9. Lack parking.
10. Concern that housing would not be allocated to local people.
11. Development would put a strain on local amenities and facilities.

12. Flooding.
13. Inaccuracies and discrepancies with the submission.
14. Concern that the dwellings will become holiday homes.
15. No work in Gower for residents of these proposed houses.
16. Proposal does not conform to minimum highway standards.
17. Loss of privacy.
18. Development fails to comply with Councils separation distances.
19. This development will tilt the balance of Scurlage towards social housing.
20. Unacceptable impact on character and appearance of the area.
21. Lack of rear amenity space for future occupiers.
22. Garden areas below minimum standards.
23. No need demonstrated for affordable dwellings provided.
24. Access road etc not to adoptable standards.
25. Parking spaces are not wide enough.
26. Properties are too small.
27. Roof design not in accordance with the Gower AONB Design Guide.
28. Scheme fails to comply with Gower Design Guide.
29. Concern over loss of natural wildlife and habitats.
30. Too much hardstanding proposed.
31. Lack of public transport to serve the development.
32. Lack of natural surveillance.
33. Inconvenience for neighbours during construction.
34. Noise and air pollution.
35. Inadequate private amenity space.

**Welsh Water/Dwr Cymru:** No objection subject to conditions and informatives.

Glamorgan Gwent Archaeological Trust: Scurlage and the surrounding area over the last few years has produced thousands of worked flint implements, ranging in date from the Mesolithic period to the later Bronze Age, which approximates to 8,000 years. The area is clearly of great importance; although as yet no structures relating to settlement have been located in the area, the concentration of the amount of flints and the range of tool types and ages shows that it was a centre utilising what may be material deposited by the retreat of the ice sheets during the period approximately 10,000 years BC. However, archaeological evaluation nearby has shown limited evidence for this. As the application area is within the known areas of flints, towards the northern known extent, which in the main have been found by walking ploughed areas, it is possible that such material may be found during the proposed works.

The area is also within the Registered Historic Landscape of West Gower, within character area HLCA040 Scurlage and Berry, characterised as: Post-medieval/medieval agricultural landscape and former manorial centres (Scurlage Castle - secular; Berry - monastic): post-medieval semi-regular fieldscape; shrunken medieval/post-medieval clustered settlement of Scurlage Castle and linear settlement of Berry; relict and buried archaeology; limestone extraction and processing. The development will be of residential nature within a residential setting and of a scale not inappropriate and it is our opinion that the proposals will not require an Assessment of the Impact of a Development on a Historic Landscape; however, Cadw should be consulted as to their opinion.

It is therefore our opinion as the archaeological advisors to your Members that we recommend a condition for an archaeological watching brief to be attached to any consent granted in respect of the current application. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

**The Coal Authority:** No Comment.

**Drainage Officer:** We have reviewed the application as submitted and based on the information contained therein must recommend that the application be withdrawn or deferred.

The application has failed to demonstrate a sustainable and viable means of draining the site in accordance with TAN15, all planning applications submitted must include a Drainage Strategy appropriate to the size and nature of the development.

We acknowledge we have had some discussions with the applicant's consultants however we have not agreed any strategy as of yet. Our last discussions involved looking at discharging all surface water arising as a result of the development to the local watercourse network at the greenfield rate of run off and with the permission of the riparian landowner, who has not been identified. This application indicates that soakaways are proposed to use to drain this site however we understand from the pre application discussions this is not a recommend solution due to the risk of dissolution features forming.

Further comments - We have reviewed the application and the additional information and find it acceptable, therefore we recommend no objections subject to conditions.

**Pollution Control:** No objection subject to conditions.

The Gower Society: We refer to the above application and supporting documents that we have studied closely and we have the following comments to make :

1. As a Housing Association Development we expect that :
  - The houses will remain within the Associations ownership in perpetuity.
  - Wherever possible the houses will only be available for local people from Gower.
  - Under no circumstances must any house be allowed to become second home or be sub let for holiday purposes.
2. The sewerage system and treatment works at Fairy Hill is already overloaded and Welsh Water must be satisfied that there network will accept the additional demand along with the recent eight new dwellings in the Sports Field and additional loading from the Gower Holiday Village.
3. The dry stone walling as shown does not indicate the type of stone to be used. It is essential that a none vernacular construction is not allowed or built, as at the North Gower Hotel Whitford View site. The stonework there is entirely unsatisfactory. It is also pointed out that the drawing does not reflect the local style either because a cock and hen capping cannot be achieved in this way with the local limestone. We would also have thought that a concrete block wall with a faced rubble limestone finish and a rendered and wet dashed finish on the inside would have achieved all that is required in this location.

Following concerns expressed by the Councils Urban Design and Highways Officers amended plans were submitted in order to address these concerns. All previous consults were carried out and the following responses were received:

**Neighbours:** No letters of response received.

**Gower Society:** Original comments still apply.<sup>65</sup>

## Highways:

### 1 Background

- 1.1 This proposal is for the erection of 14 new dwellings on land at the end of Monksland Road, Scurlage. In terms of the number of dwellings, this is a relatively small development and does not qualify for needing a formal transport assessment.
- 1.2 Monksland Road currently terminates at a turning head and it is intended to continue the road onwards in the form of a shared surface road to access a new turning head at the end of the development. A further Access in the form of a shared private drive will serve 5 of the new dwellings.

### 2 Traffic Impact

- 2.1 Monksland Road varies in width and is approximately 4.5m wide on the approach to the site. Most estate roads are 5.5m wide and this access therefore is below that standard. On street parking by residents does create some congestion and often cars are seen to be parked straddling the kerb.
- 2.2 Monksland Road currently serves in the region of 52 dwellings along its length and in Salisbury Close, more recently consent was granted for additional dwellings near to this application site.
- 2.3 Comparison with national data for residential traffic, it is estimated that the development would likely generate 8 two-way movements in each peak hour. This would be made up of 5 movements out and 3 movements in during the morning peak and the reverse in the afternoon peak. I consider this to be a low number of traffic movements unlikely to have any detrimental impact.

### 3 Access Alterations

- 3.1 In order to extend Monksland Road to serve the site, the existing turning head will be removed and this will necessitate stopping up of that part of the highway no longer required. The applicant will need to apply to Welsh Government under recognised procedures for this aspect.
- 3.2 Monksland Road will be widened from the bend just before the turning head to 5.5m wide in order to satisfactorily accommodate movements and more easily allow for on-street parking in that vicinity. The new extension of the road will then go on at a standard width of 5.5m, albeit that this will be a shared surface which is an option recommended in current guidelines. The road is intended to be offered for adoption.
- 3.3 From the bend previously referred to, Monksland Road enters into a lane which joins onto the main A4118. This lane is currently unrestricted and is part of the highway network, so provides an alternative for vehicles leaving Monksland Road. The lane is currently unmade and of uneven surface and the applicant will be required to improve this by resurfacing the lane to avoid any further deterioration through any additional use that might be brought about by the new development. This will also be of benefit to existing users.

#### 4 Parking

- 4.1 Parking is provided within each plot in accordance with adopted parking standards. Each two bedroom property has two spaces and the three bedroom properties located off the shared private drive have access to three parking spaces. The third space in each case can be used for visitor parking or to assist turning. As all access roads within the development are to be 5.5m wide, on street parking for visitors is also available whereas on the existing estate this is far more difficult due to the narrower road.

#### 5 Conclusion and Recommendation

- 5.1 Additional traffic movements will be generated by this development, however the number of movements associated with the erection of 14 dwellings is quite small and in itself unlikely to result in unacceptable safety implications. Improvements to the road and access are proposed at the development site and parking is being provided in accordance with adopted standards.

- 5.2 I recommend no highway objection subject to the following;

i. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

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

iii. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

iv. No work shall commence on that part of the site which requires the highway to be stopped up until the stopping up procedure has been completed. (current turning head).

v. No soakaway shall be sited with 5m of any adopted highway.

vi. The site shall not be brought into beneficial use until the lane connecting Monksland Road with the A4118 to the east of the site has been resurfaced in accordance with details to be agreed. (Note this is work to the existing highway which will need to be secured through a Section 278 Agreement and undertaken by the Highway Authority at the expense of the developer).

vii. Notwithstanding the submitted plans, the service strip opposite plots 7 and 8, shall be repositioned to follow the realigned kerb line.

Note: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Pollution Control: I have no additional conditions to attach. My main concern related to the construction activities and colleagues have responded regarding drainage etc.

## **APPRAISAL:**

This application is reported to Committee for decision as a Departure from the provisions of the Development Plan and at the request of Councillor Richard Lewis in order to assess the intensity of the development upon the visual amenities of the area.

### Description

Full planning permission is sought for the erection of 14 semi-detached two storey properties at land off Monksland Road, Scurlage. The proposal will also involve the creation of a new access to serve the properties. The site currently forms part of the countryside which surrounds the designated named settlement of Scurlage which is situated within the heart of the Gower AONB.

### Main Issues

The main issues for consideration during the determination of this application relate to the principle of development at this location and any subsequent planning obligations and the resultant impact of development upon the visual amenities of the area and the wider Gower AONB, the residential amenities of the neighbouring properties, highway safety, drainage and ecology having regard for the provisions of the City and County of Swansea Unitary Development Plan 2008 (UDP) and the Supplementary Planning Guidance documents entitled 'Gower AONB Design Guide', 'Planning Obligations' and 'Residential Design Guide'.

### Principle of Development

The site is situated outside the village, on the periphery of Scurlage and the proposal would result in the rounding off of the northern end of the village. The site forms part of larger parcel of land which was identified in the previously extant Swansea Local Plan Review No1 for affordable housing. Whilst Policy EV16 allows for small scale development within named settlements such as Scurlage, this policy alone would not render the proposal acceptable in principle. However when read in conjunction with Policy EV18 – Local Needs Affordable Housing and in particular Amplification 1.6.9, this acknowledges that Scurlage has the potential to provide local needs affordable housing on land adjacent to the Health Centre.

Having consulted the Director of Regeneration and Housing, it is acknowledged that there is a high demand for affordable housing in the Gower area and as a consequence there is support for bringing forward this site for affordable housing as a departure from the provisions of the Development Plan. It would be a requirement however that the affordable housing units would be flexible to meet the tenure requirement at occupation (i.e tenure neutral). All affordable housing units would have to be DQR compliant.

In terms of sustainability the site is situated adjacent to the identified small village of Scurlage along a main bus route to Swansea and is within close proximity to the local school and other community facilities and as such the future residents would not be solely reliant on private car as a method of transport.

Therefore given the identified need for affordable housing in the area subject to the proposal satisfactorily addressing issues relating to ecology, residential amenity, visual amenity, ecology, drainage and highway safety the principle of local need affordable housing at this location is considered acceptable in this instance and the release of this land as a departure from Policy EV16 is supported in principle.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. It is noted that the Council has adopted Supplementary Planning Guidance on S106 negotiations in March 2010. As referred to above the Housing Service supports the provision of local need affordable housing at this site and any successful scheme would be subject to a Section 106 agreement which would retain these affordable units in perpetuity.

In terms of any other likely planning obligations with the proposed development, in light of the fact that the site will be for 100% affordable housing and the drainage costs associated with the redevelopment of the site it is considered too onerous to request any further Section 106 obligations for this site.

It is recommended, however, that the Section 106 Agreement will specifically require the occupiers to strictly adhere to the set criteria identified below:

- Applicants who are resident within the area who have been resident for a continuous period of at least 5 years immediately before making an application

or

- Applicants who have been resident within the area for any period of (or periods totalling) 7 years or more within the previous 10 years immediately before making an application,

or

- Applicants who were previously resident in the area and who have an immediate family member(s) currently resident in the area and where the immediate family member(s) have been resident within the area for a continuous period of at least 10 years immediately before the housing application was made and intend to remain. "Immediate family" means a parent or parents, a child or children, or a sibling or siblings."
- Applicants who currently live in the area needing separate accommodation, for example married couples and people living in tied accommodation on retirement.
- Applicants who work either full-time, or, part-time within the area. Part-time in this case is defined as being a minimum of 10 hours each week.
- Applicants who need to move into the area to take up full or part-time employment (a minimum of 10 hours per week) within the area.



- Applicants who need to move to the area to enable them to either give or receive support to or from an immediate family member. “Immediate family” means a parent or parents, a child or children, or a sibling or siblings or other relationships where a genuine need to give or receive support is demonstrated to the satisfaction of the City & County of Swansea.

In the event that none of the above can be met by the applicants, the Authority may consider individuals from surrounding areas, communities that border the area. This will be defined on a site by site basis if necessary.

### Character and appearance of the area

The site comprises of a roughly L-shaped parcel of land abutting the northern edge of the small village of Scurlage. The site is accessed via Monksland Road which comes off the western side of the main A4118 road running roughly north – south through the village. Monksland Road serves as the main access road for the majority of the village providing either direct frontage access to dwellings or access via secondary roads coming off this. To the east the application site incorporates land which directly abuts the northernmost part of this road. To the north and west the site backs onto open agricultural fields. Due to its L-Shaped form the southern boundary of the site is staggered and backs onto the rear of existing one and two storey dwellings in its western part and is bounded by an existing turning head coming off Monksland Road in its eastern part.

The village of Scurlage comprises of a mixture of detached and semi-detached dwellings as well as a few instances of short rows of terraced dwellings. The majority of dwellings are 2 storeys in nature although there are some bungalows. The dwellings are traditional in character and form and predominantly comprise of pitched roof properties with roofs running parallel to the road. The majority of dwellings have chimneys. Front boundaries along Monksland Road comprise of a low red brick wall whilst boundaries to the properties fronting onto Salisbury Close comprise of a mixture of stone, blockwork, wooden fencing and open boundary treatments.

The application proposes the construction of 14 no. 2 storey dwellings as well as associated access, landscaping, parking and other external works. The site measures approximately 0.5 ha and the scheme would have a density of 28 dwellings per hectare. The density is considered necessary in order to fully utilise the sites accessibility potential and the provision of a large area of open space for residents will provide a high level of environmental quality for residents.

The development comprise of seven pairs of semi-detached dwellings finished in render with a traditional pitched roof, pitched roof porches faced in stone and rendered chimneys. The scheme comprise of 2 bed/4person and 3 bed/5 person house types. Given the limited opportunities for vehicle connections around the site the access takes the form of two short cul-de-sacs terminating at turning heads. Pedestrian connections are provided within the site. Parking for the dwellings is predominantly in the form of side drives with some instances of orthogonally orientated bays abutting the access road. It is proposed that the boundary between the road edge and the houses is to be finished with a 1200mm natural dry stone boundary wall with cock and hen capping. A green open space area is proposed to the eastern most boundary of the site.

## Layout

The site presents a strong building line parallel to the western and northern edges of the site which creates a sense of legibility and strong building line. Critically the revised scheme ensures plot 1, 2, 3, 4, 5 and 6 overlook the areas of public realm which helps improve natural surveillance whilst also improving the outlook from these properties. Furthermore the removal of visitor parking and re-siting of properties has helped create a large informal area of public open space which helps improve the visual appearance of the proposal.

Where possible the proposal incorporates areas of front garden space which helps improve the setting and relate to its rural context through the provision of low lying front boundary walls, which helps soften and personalise the public realm.

The proposed roadway will be treated as a shared home zone surface which helps it form part of the communal public realm.

## Garden and Amenity Space

The scheme proposes some variety in garden sizes which helps create a more informal layout appropriate to its rural setting. However it is noted that whilst plots 1, 2, 3, 4, 5, 6, 7 and 14 have amenity spaces well in excess of the minimum standards required by the Supplementary Planning Guidance documents entitled 'Residential Design Guide', Plots 8, 9, 10, 11, 12 and 13 only just about meet the minimum requirements set out within this guide. It is noted that garden depth with units 7-14 are reduced by the hedge which is being retained. This hedge is an important ecological habitat and visual landscape feature which softens the relationship of the development with the wider countryside. If considered acceptable a condition is considered necessary in order to ensure the hedge is retained and further details required for its long term management.

In order to address the minimal area of rear amenity space for the properties a large area of public open space is proposed which will provide an area for recreation for the future residents.

## House Types

The proposed scale and form of the proposed houses are considered to be appropriate to their Gower context and take reference from the simple form and detailing of traditional pitched roof Gower houses within Gower as defined within the Gower AONB Design Guide. The rough cast render and riven edge slates are welcomed, as are the clipped eaves and mucked eaves. This is a welcome approach in general given that the development is for a Housing Association.

The revised scheme incorporates one house type which will match the appearance of traditional semi-detached dwellings in the locality and the wider Gower area. The proposed natural stone porches are considered proportionate to the size, scale and design of the proposed dwellings and as such are appropriate to the Gower vernacular. In addition to this the porches incorporate a timber lintel which is welcome.

The primary elevations of the proposed dwellings incorporate a pattern of fenestration with vertical windows which is supported and helps create a more harmonious elevation. The meter cupboards are located in the side elevations off the drives, away from the prominent front elevations which helps reduce visual clutter.

The proposed natural dry stone boundary walls are welcomed to provide character to the scheme and to enhance the nature of the Gower location. The exact source of the natural stone and detailing will need to be conditioned.

As such it is considered that the proposal responds to the character of its rural setting and incorporates Gower vernacular in accordance with the Gower AONB Design Guide. Therefore the proposal is considered to respect the visual amenities of the area and the wider Gower AONB and whilst not fully in accordance with the provisions of Policy EV16 of the Swansea UDP the scheme is considered to comply with the provisions of Policies EV1, EV2, EV18, EV22 and EV26 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Gower AONB Design Guide'.

### Residential Amenity

Turning to the impact of the proposal upon residential amenity, it is considered that ground floor overlooking will be mitigated via the proposed boundary treatment and furthermore the majority of side ground floor windows will mainly overlook the parking bays which will improve natural surveillance. It is considered that plots 2, 3, 4, 5, 6, 7 and 8 are all sited a significant distance from the boundaries with the adjoining neighbouring properties and as such these units will not impinge upon the residential amenities of these neighbouring properties by virtue of overbearing, overshadowing or overlooking.

In terms of the impact on one another, plots 2, 3, 4, and 5 are staggered in terms of their relationship with one another and as such the flank facing 1st floor habitable room windows will not directly overlook private amenity space or into adjacent habitable room windows to unacceptable degree. Again plots 7-8 and 9-10 are staggered and will have an acceptable relationship with one another and will not result in unacceptable overlooking. Plots 9-10, 11-12 and 13-14 however will run parallel with one another and will have 1st floor flank windows which will overlook into the adjacent rooms. Furthermore Plot 14's gable facing 1st floor windows would be within 10m from the boundary with the neighbouring property and as such a condition recommended requiring these secondary bedroom windows to be obscurely glazed and fixed shut in order to mitigate unacceptable overlooking.

The primary front and rear windows of Plot 1 will overlook the rear amenity space of the proposed dwelling and the area of public open space. Ground floor overlooking will be mitigated via an agreed boundary treatment and the east facing windows which overlook Ash Croft and the adjacent property are in-excess of 14m from the curtilage of these properties which is considered a sufficient distance from these properties in order to mitigate any potential unacceptable overlooking. As such Plot 1 is considered to respect the residential amenities of the neighbouring properties and will not result in unacceptable overbearing, overshadowing or overlooking.

The rear windows of Plots 9, 10, 11, 12, 13 and 14 will overlook the private amenity space of the proposed dwellings and as such these will raise no issues relating to overlooking. Plots 9, 10, 11, 12, 13 and 14 are all sited a minimum of 12m from the boundaries with the adjoining properties which is considered a sufficient distance in order to ensure there will not be unacceptable overbearing, overshadowing or overlooking which could warrant the refusal of this application.

Therefore subject to conditions, it is considered that the proposed development would have an acceptable impact upon the residential amenities of the neighbouring properties in compliance with Policies EV1 and EV18 of the Swansea UDP.

## Highways

Having consulted the Head of Transportation and Engineering it is acknowledged that Monksland Road currently terminates at a turning head and the proposal will continue the road onwards in the form of a shared surface road to access a new turning head at the end of the development. A further access in the form of a shared private drive will serve 5 of the new dwellings.

Monksland Road varies in width and is approximately 4.5m wide on the approach to the site. Most estate roads are 5.5m wide and this access therefore is below that standard. On street parking by residents does create some congestion and often cars are seen to be parked straddling the kerb. Monksland Road currently serves in the region of 52 dwellings along its length and in Salisbury Close, more recently consent was granted for additional dwellings near to this application site.

Comparison with national data for residential traffic, it is estimated that the development would likely generate 8 two-way movements in each peak hour. This would be made up of 5 movements out and 3 movements in during the morning peak and the reverse in the afternoon peak. It is considered that this is a low number of traffic movements which is unlikely to have any detrimental impact.

In order to extend Monksland Road to serve the site, the existing turning head will be removed and this will necessitate stopping up of that part of the highway no longer required. The applicant will need to apply to Welsh Government under recognised procedures for this aspect.

Monksland Road will be widened from the bend just before the turning head to 5.5m wide in order to satisfactorily accommodate movements and more easily allow for on-street parking in that vicinity. The new extension of the road will then go on at a standard width of 5.5m, albeit that this will be a shared surface which is an option recommended in current guidelines. The road is intended to be offered for adoption.

From the bend previously referred to, Monksland Road enters into a lane which joins onto the main A4118. This lane is currently unrestricted and is part of the highway network, so provides an alternative for vehicles leaving Monksland Road. The lane is currently unmade and of uneven surface and the applicant will be required to improve this by resurfacing the lane to avoid any further deterioration through any additional use that might be brought about by the new development. This will also be of benefit to existing users.

Parking is provided within each plot in accordance with adopted parking standards. Each two bedroom property has two spaces and the three bedroom properties located off the shared private drive have access to three parking spaces. The third space in each case can be used for visitor parking or to assist turning. As all access roads within the development are to be 5.5m wide, on street parking for visitors is also available whereas on the existing estate this is far more difficult due to the narrower road.

Additional traffic movements will be generated by this development, however the number of movements associated with the erection of 14 dwellings is quite small and in itself unlikely to result in unacceptable safety implications. Improvements to the road and access are proposed at the development site and parking is being provided in accordance with adopted standards.

Therefore there are no highway objections subject to conditions and the proposal is considered to respect highway safety and provide sufficient car parking in compliance with Policies EV1, EV3, AS1 and AS6 of the Swansea UDP.

### Drainage

The applicant commissioned a drainage consultant to conduct permeability testing on the application site. Furthermore a CCTV drain survey was carried out on a collapsed pipe feeding into the existing soakaway located on the site. The submitted evidence suggests that the site is capable of accommodating soakaways and having consulted the Councils Drainage Officer there is no objection to the positive determination of this application subject to appropriately worded planning conditions. Therefore the proposal is considered to comply with the provisions of Policies EV33 and EV35 of the Swansea UDP.

### Ecology

Having consulted the Councils Ecologist to assess the submitted ecological survey in support of this application, it is considered that subject to a condition protecting the future retention of the hedgerows on site the proposal will have an acceptable impact on ecology and biodiversity in compliance with Policy EV2 of the Swansea UDP.

### Response to Consultations

Notwithstanding the above, 11 letters of objection and 15 letters of comment were received which raised concerns relating to the impact of the proposal upon residential amenity, visual amenity, principle of development, drainage, ecology, highway safety, parking, congestion, impact on Gower AONB, type of affordable housing, compliance with Policy and Gower AONB Design Guide. The material issues pertaining to which have been addressed above.

Concern was raised that the properties would be used as holiday lets. The dwellings are local need affordable housing which will be ensured in perpetuity via a Section 106 Agreement.

Concern has been raised regarding inaccuracies with the applicants submission, however it is considered that sufficient information has been provided by the applicant in order to enable the Local Planning Authority to reach a decision on this proposal.

In addition to this concern has been raised with respect inconvenience associated with the construction of the development. This is a temporary measure and will not be a long term issue associated with this development .

### Conclusion

Therefore subject to the signing of a Section 106 obligation restricting the housing availability to low cost purchase or rent, and for the retention of the housing in the long term as low cost housing to meet local needs and appropriately worded conditions it is considered that the development of this small site adjoining the settlement of Scurlage would fulfil a proven local need within the locality. Furthermore the proposal in terms of its design, form, elevational treatment, detailing and use of materials is considered to be sympathetic to the character of the village. The proposal is identified as countryside and would not result in the loss of land of important recreational, natural heritage or amenity value.

The submitted information that the scale of the development would be in accord with the character of the area and that the site would be developed without giving rise to an unacceptable impact upon the residential amenities of the neighbouring properties, drainage, ecology and highway safety in compliance with the provisions of Policies EV1, EV2, EV3, EV18, EV22, EV23, EV33, EV34, EV35, HC17, AS2 and AS1 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Planning Obligations' and as such is recommended for approval as a Departure from the provisions of Policy EV16 of the Swansea UDP.

## **RECOMMENDATION**

**The application be referred to DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE with a recommendation that it be APPROVED as a departure from the provisions of the Development Plan subject to the following conditions and to the developer entering into a Section 106 Obligation in respect of the provision of 100% affordable housing which should be DQR compliant:**

## **CONDITIONS**

- 1        The development hereby permitted shall begin not later than five years from the date of this decision.  
  
Reason: Prior to the commencement of the stonework on site, a sample panel showing the stonework shall be submitted to and/or constructed on site and approved by the Local Planning Authority in writing. The boundary walls and pillars shall be implemented in accordance with the approved details. To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2        Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A and E of Part 1 of Schedule 2 shall not apply.  
  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
  
- 3        Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
  
Reason: In the interests of visual amenity.
  
- 4        The first floor window(s) in the side elevations of plots 9, 10, 11, 12, 13 and 14 as indicated on the approved plans shall be obscurely glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.  
  
Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

- 5 Prior to the commencement of 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) 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.

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

- 6 The hedgerows on the northern and western boundaries of the site shall be retained and thereafter maintained in accordance with a maintenance and management scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: Permission is granted having regard to the present screening and boundary planting in existence, the retention of which will ensure a satisfactory visual appearance.

- 7 Prior to the commencement of the stonework on site, a sample panel of the stonework shall be submitted to and/or constructed on site and approved by the Local Planning Authority in writing. The boundary walls and pillars shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 8 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].  
Reason: In the interest of highway safety.
- 9 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interest of highway safety.
- 10 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.  
Reason: In the interest of highway safety.
- 11 No work shall commence on that part of the site which requires the highway to be stopped up until the stopping up procedure has been completed.  
Reason: In the interest of highway safety.
- 12 No soakaway shall be sited within 5m of any adopted highway.  
Reason: In the interest of highway safety.
- 13 The site shall not be brought into beneficial use until the lane connecting Monksland Road with the A4118 to the east of the site has been resurfaced in accordance with details to be agreed. (Note this is work to the existing highway which will need to be secured through a Section 278 Agreement and undertaken by the Highway Authority at the expense of the developer).  
Reason: In the interest of highway safety.
- 14 Notwithstanding the submitted plans, the service strip opposite plots 7 and 8, shall be repositioned to follow the realigned kerb line in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of highway safety.
- 15 Prior to the commencement of work on site the results of the soakaway tests shall be submitted to and carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document. Any surface water drainage system must be designed to accommodate the 1 in100 year critical storm including an appropriate allowance for climate change unless otherwise agreed in writing by the Local Planning Authority.



Reason: To ensure that an appropriately designed surface water management system is implemented so as to avoid creating surface water flood risk to the development itself and adjacent third parties.

- 16 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. 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: o ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 17 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.

- 18 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.

- 19 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.

- 20 Prior to the commencement of 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) 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].

Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600

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

- 21 The proposed landscaping shall be carried out using the native species which are identified in the Extended Phase 1 Habitat and Species Assessment by Just Mammals Consultancy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and biodiversity.

## INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV16, EV22, EV26, EV33, EV35, EV18, HC17, AS1, AS6)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3
  - 1 Construction Noise

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

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

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

Any breaches of the conditions attached to such a notice will lead to formal action

against the person[s] named on said notice.

## 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

## 3 Dust Control:

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

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

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

## 4 Lighting

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

- 4 Note: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : [jim.marshall@swansea.gov.uk](mailto:jim.marshall@swansea.gov.uk) or the Team Leader , e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091

- 5 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of environment.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr

Cymru Welsh Water in dealing with the proposal you should contact them on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

- 6 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.

## **PLANS**

3335/PA/001 location plan, 3335/PA/002 A existing topographical survey, 3335/PA/005 boundary & external works details, 3335/PA/006 porch details dated 19th March, Geotechnical and Geo-environmental report, Soakaways (2), 18443/01 - Existing Site Survey Plan, 18443/04 Rev A site cross/long section, 3335/SK/002 - Existing topographical survey, Draintech Survey dated 28th March 2014, 3335/PA/004 REV B - Floor Plans and Elevations, 18443/03 REV B - Autotrack Swept Plans dated 5th June 2014 and 18443/02 Rev F- Proposed Engineering Site Plan, 3335/PA/003 REV H - Proposed Site Plan dated 7th July 2014

# Agenda Item 7

## Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 14<sup>th</sup> August 2014

Referral of Planning Application Ref: 2014/0765

From Area 1 Development Control Committee on 22<sup>nd</sup> July 2014

LAND AT HERON WAY, SWANSEA ENTERPRISE PARK, SWANSEA

CONSTRUCTION OF RETAIL UNIT (CLASS A1) (AMENDMENT TO PLANNING PERMISSION 2013/1616 GRANTED FOR THE CONSTRUCTION OF FOUR RETAIL UNITS (CLASS A3) WITH ASSOCIATED WORKS)

<b>Purpose:</b>	To determine the application for the construction of retail unit (Class A1) (amendment to planning permission 2013/1616 granted for the construction of four retail units (Class A3) with associated works)
<b>Policy Framework:</b>	National and Local Planning Policies
<b>Reason for Decision:</b>	Statutory responsibility of the Local Planning Authority
<b>Consultation:</b>	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
<b>Recommendation(s):</b>	Approve as set out in the report
<b>Report Author:</b>	Ryan Thomas
<b>Finance Officer:</b>	<i>Not applicable</i>
<b>Legal Officer:</b>	<i>Not applicable</i>

## 1.0 Background

- 1.1 This application was reported to the Area 1 Development Control Committee on 22<sup>nd</sup> July 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 requiring the development to be constructed in conjunction with the adjoining units (units 2-4) as shown on the application drawings.
- 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 retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. Policy EC9 states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example small scale shopping facilities required to meet local needs. Policy EC7 relates to proposals within the Enterprise Park and states that proposals for new retail development within the retail zone will be restricted to the sale of bulky goods items that do not pose a threat to the vitality, attractiveness and viability of the City Centre and surrounding town, district and local shopping centres. The Policy also states that proposals for new retail development outside the retail zone would not be permitted. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.
- 2.2 National planning policy guidance on retail policy is set out in PPW, Chapter 10. The guidance makes clear that town, district and local centres are the most appropriate locations for retailing, in the interests of sustaining communities, enhancing accessibility and safeguarding the vitality and viability of established shopping centres. Fundamentally, the guidance makes clear that the scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well.
- 2.3 PPW and TAN 23 also explain, for planning purposes, the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.
- 2.4 In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence.

### Need

- 3.0 New retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed. PPW states that where need is a consideration, precedence should be accorded to establishing quantitative need and it is for the LPA to determine and justify the weight to be given to any qualitative assessment.

- 3.1 The A1 retail element would have an internal floor area of 111.5sqm. In terms of quantitative needs, no information has been provided in this respect, however, it is not considered necessary for an A1 retail development of this scale to provide justification in quantitative need terms. In terms of qualitative need, the applicant contends that unlike the southern end of the Enterprise Park, the business and commercial area within which the site lies is not currently served by a small scale bakery facility. The proposed unit is intended to serve the employment area and to provide a complementary facility that would add to the existing offer in this part of the Enterprise Park. The intended occupier 'Greggs' have submitted a letter in support of the proposal which states that the unit will be an addition to Greggs existing portfolio in Swansea and will not affect their units within the Enterprise Park and Morriston, which would suggest that the proposal may meet demand for such facilities within the Enterprise Park catchment.
- 3.2 Overall, no quantitative need has been demonstrated, however, it is accepted that the requirement to demonstrate such need would generally be applicable to larger scale developments. The proposal would add to the choice on offer in this part of the Enterprise Park which would equate to a qualitative need, however, there are already a number of competing food retail outlets in this part of the Enterprise park as such it is considered that limited weight can be given, in terms of establishing a need for the proposed development.

#### Alternative Sites (Sequential Test)

- 3.3 The applicant asserts that the intended occupier is represented in Morriston district centre, as such they would not seek to open new premises in this sequentially preferable location. In any event the applicant contends that Morrison district centre is a separate catchment to that proposed for the new premises. They consider the sequential test to be of academic value only in this situation as it would not encourage investment in Morriston by the intended operator, rather it would result in the development as a whole (as previously approved) not coming forward as without the anchor tenants committing to occupying the proposed A1 unit, the development would not be viable.
- 3.4 Notwithstanding this the applicant has undertaken an analysis of available sites within Morriston district centre focusing on units of approximately 80-130 sqm. Two sites identified at Clase Road and Treharne Road were considered both unsuitable and unavailable. Five units were potentially identified within Morrison including premises on Woodfield Street and Sway Road, but were discounted on the grounds that the units would not address the requirements of the end user, do not benefit from the required planning permission or would be too close to an existing operator.
- 3.5 Its is acknowledged that the sequential test has limited value in relation to this proposal which is intended to serve part of the Enterprise Park catchment, however, the test demonstrates that there are no units available within Morriston District centre that would be suitable to the intended operator. In this respect it is considered that the sequential test has been satisfied.

## Impact upon established shopping centres

- 3.6 It is clear that development plan policies and national guidance require new retail developments to safeguard against any significant adverse impacts to town centre vitality and viability. The proposal is for a modest A1 retail unit within a consented A3 scheme. The proposal is said to cater mainly for Enterprise Park users and the fact that the intended occupier already has a premises in Morriston, yet are looking to invest in a further premises in the Enterprise Park, would endorse this view. Following on from this, it is considered that existing users of the Enterprise Park would be unlikely to make dedicated trips by foot, bike or car across the dual carriage way to Morriston for the retail offer proposed at this unit, particularly when parking in Morriston is at a premium. In addition, it is considered those making a dedicated trip to Morriston to take advantage of its services are likely to make linked trips to take advantage of its food and drink offer rather than make a further trip to the Enterprise Park. It is also an important material consideration that there are a considerable number of food outlets within very close proximity to the application site including a KFC, Burger King, ASDA instore café, Taybarns, the approved drive through coffee shop adjacent to the site and the approved A3 units on the previously approved scheme. The proposal would therefore add to the existing offer that serves the Enterprise Park catchment.
- 3.7 In order to mitigate any potential impacts on Morriston and also the City Centre, the applicant has stated they would be willing to accept a condition that the unit may only be used as a retail bakery and for no other purpose in class A1. A condition to this effect has been used elsewhere by the LPA to restrict the retail element of other similar developments.
- 3.8 Notwithstanding the applicant's contention that the proposal would not have a significant impact on Morriston district centre, £25,000 was offered for improvements to Morriston district centre under the previous planning permission, which was secured through a unilateral undertaking under Section 106 of the Planning Act 1990. Legal advice has confirmed it will be necessary for the applicant to provide a further unilateral undertaking to secure this contribution as the previous unilateral undertaking is not transferable to this application, should planning permission be granted. As such, if approved, it is recommended approval is subject to a further unilateral undertaking in order to secure this financial contribution. The contribution is noted and would be required to fund future enhancement programmes which will be aimed mainly at improvements to Morriston Conservation Area.
- 3.9 In light of the above, it is considered the imposition of a condition to restrict the A1 use to a retail bakery would prevent an open A1 retail use and would serve to limit the impact of the development on Morriston district centre. The provision of £25,000 would be used to enhance Morrison district centre which would serve to act as mitigation for any detrimental retail impacts arising from the development. In this regard, on balance, it is considered that by virtue of the scale of the proposed unit and the restrictions to its use, which can be secured by condition, the development would be unlikely to result in any significant impacts to the vitality, viability and attractiveness of Morriston district centre and this should be given significant weight in the assessment of the principle of the development.



## Accessibility

- 3.10 The site is located approximately 1.5km from junction 45, linked to the site by the A4067 and A48. Heron Way is lit and in the main has adequate pedestrian access.
- 3.11 The site is considered to be highly accessible and would comply with the relevant UDP policies in this respect. The fact the development is accessible by a range of transport modes is considered to carry moderate weight in favour of the proposal.

## Economic and regeneration benefits

- 3.12 The site is currently a derelict brownfield site which is visible from both Heron Way and Upper Forest Way. Clearly there is merit in bringing this land into economic use in terms of job creation and the positive impacts on the visual amenity and this was recognised when planning permission was granted for the original scheme.
- 3.13 The applicant has indicated that the proposed unit would create 9 full time equivalent jobs. Additional indirect employment would be generated through servicing the units. In this respect the development would make an important contribution to employment within the area.
- 3.14 In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration. However, in the absence of any robust evidence to quantify the economic benefits and in view of the relatively small scale of the proposal, it is considered that limited weight can be given in favour of the proposal in this respect.

## Conclusions

- 2.20 It is acknowledged that the proposed development is a departure to UDP policies EC7 and EC9 which seek to prevent new non-bulky retail development within the Enterprise Park and new out of centre retailing (except in defined circumstances). Notwithstanding this, the key question for the Authority is whether any anticipated adverse impacts arising from the development is regarded as being so materially adverse and over-riding that this would outweigh any benefits associated with the proposed development. In the balancing exercise it is considered the lack of demonstrable impact on Morriston district centre, the accessible location of the development and its economic and regeneration benefits would tip the balance in favour of the proposed development on this site. In this respect the proposal is, on balance, considered to be acceptable departure to planning policies.

## **3.0 RECOMMENDATION**

- 3.1 That, the application be approved subject to the conditions detailed in my report to the Area 1 Development Control Committee on 22<sup>nd</sup> July 2014 attached as Appendix B together with an additional condition requiring the development to be constructed in conjunction with the adjoining units (units 2-4) and subject to the applicant entering into a S106 Planning Obligation to provide a contribution of £25,000 to fund regeneration initiatives within Morriston district centre.

**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

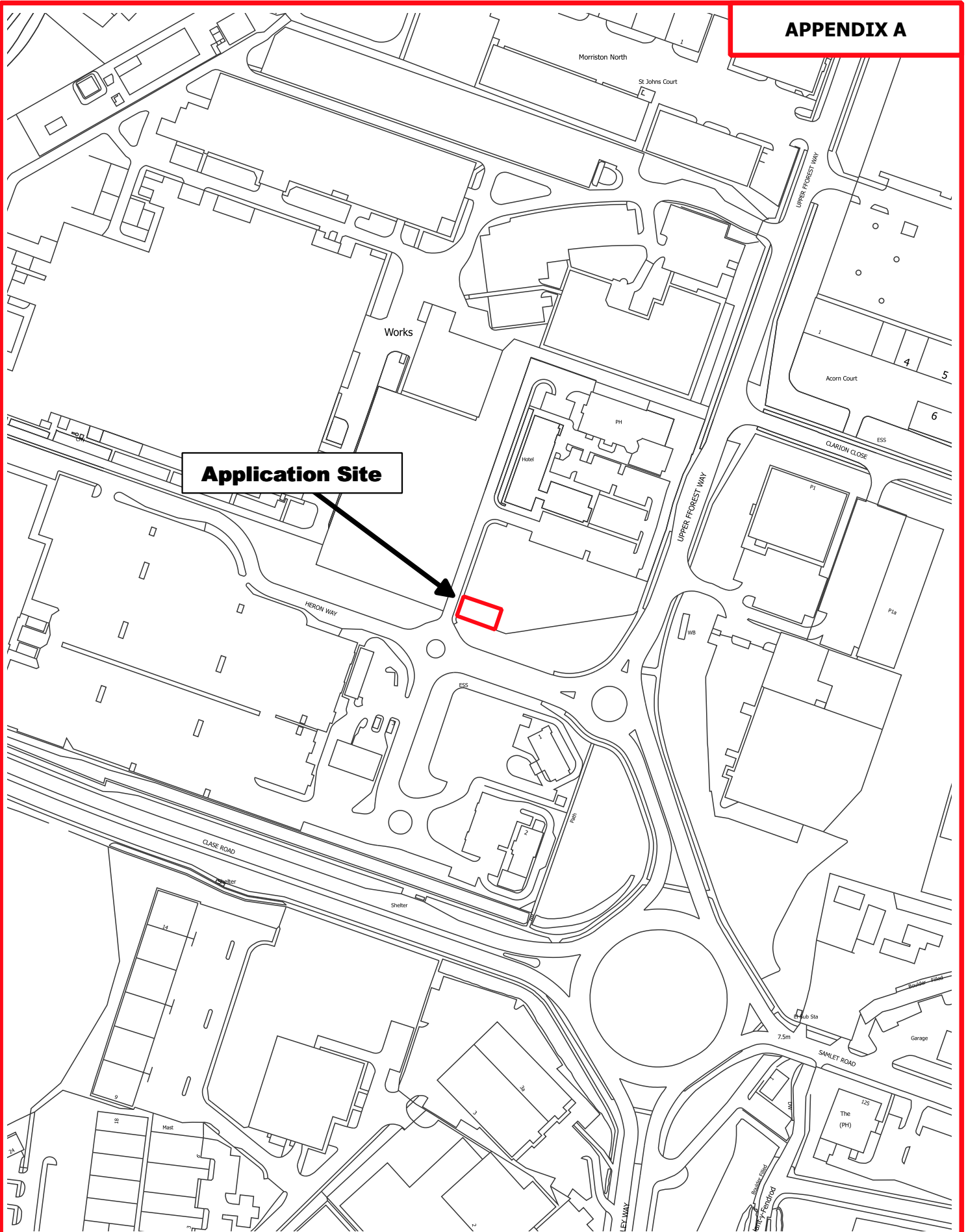
Appendix B – Committee Report

Contact Officer: Ryan Thomas

Extension No.: 5731

Date of Production: 6<sup>th</sup> August 2014

Document Name: Heron Way



**Application Site**

**Planning Application No. 2014/0765**  
**Land at Heron Way, Swansea Enterprise Park,**  
**Swansea**

**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. 2014/0765  
WARD: Llansamlet Area 1

**Location:** Land at Heron Way, Swansea Enterprise Park, Swansea

**Proposal:** Construction of retail unit (Class A1) (amendment to planning permission 2013/1616 granted for the construction of four retail units (Class A3) with associated works)

**Applicant:** Actoris Commercial Limited

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
Policy EC3	Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

- Policy EC7            Within the Enterprise Park, proposals for retail development outside the retail zone will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC9            Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2013/1616	Construction of four retail units (Class A3) with car parking and associated works Decision: Perm Subj to S106 Agree Decision Date: 06/05/2014

## **RESPONSE TO CONSULTATIONS**

The application was advertised as a departure to the Development Plan. No responses have been received.

### **Highways**

I do not consider that there are any highway safety implications arising from the proposed change of use from A3 to A1 (restricted). Adequate parking and access is indicated through the previously consented scheme.

I recommend that no highway objections are raised to the proposal subject to the conditions relating to planning application 2013/1616 being fully discharged prior to beneficial occupation of any of the units

## **APPRAISAL**

This application is reported to Committee for decision as it is recommended for approval and constitutes a departure to the Development Plan.

Planning permission is sought for the construction of a retail unit (class A1) on land at Heron Way, Swansea Enterprise Park. Planning permission was granted in March 2014 for the construction four food and drink units (class A3), car park and associated works (Ref: 2013/1616). The current planning application relates to one of these approved units which is proposed to be changed from an A3 unit to an A1 unit. It is noted the development has not commenced on site. The original planning permission included a condition to restrict the use of the units to A3 uses only in order to minimise the impact of the development on the vitality, viability and attractiveness of Morriston district centre.

The application has been submitted as one of the intended occupiers and anchor tenants of the original development 'Greggs' bakery has taken the decision that the business can not operate from a Class A3 unit. As such this planning application has been submitted to change one of the units to a restricted A1 bakery.

The application site is a parcel of brownfield land located off Heron Way which forms the sites southern and western boundaries, beyond which lies vacant land to the west and KFC and Burger King drive-thru restaurants to the south. The Premier Inn hotel forms the site's northern boundary while Upper Forest Road forms the site's eastern boundary.

It should be noted that planning permission has also been granted (Ref: 2013/1020) on an area of land adjoining the site for 'Construction of a coffee shop with drive through, car park and ancillary works'. This scheme has not yet been implemented.

## **MAIN ISSUES**

The main issues are considered to be: the principle of the proposed development in this location; consideration of the consequences of flooding associated with the proposed development; the impacts on the character and appearance of the area; the impacts on parking and highway safety.

The following City and County of Swansea Unitary Development Plan 2008 (UDP) policies are relevant to the consideration of this proposal: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV36 (Development and Flood Risk), EC3 (Established Industrial and Commercial Areas), EC4 (New Retail Development), EC7 (Enterprise Park Retailing), EC9 (Out-of-Centre Retailing). Furthermore the Supplementary Planning Guidance (SPG) entitled 'Swansea Enterprise Park Planning Policies' is also relevant.

In addition Planning Policy Wales provides up to date national policy guidance together with TAN 4 'Retailing in Town Centres' and TAN 23 'Economic Development'.

There are no residential dwellings in close proximity to the site as such it is not considered that the proposal would raise any significant concerns in this respect.

In terms of the character and appearance of the area there is no material difference to the visual appearance of unit 1 granted planning permission under 2013/1616 and the proposed unit under this current planning application. As such it is not considered the proposal would raise any concerns in respect of the impact of the development on the character and appearance of this commercial area.

In respect of flooding issues the previous planning application was accompanied by a flooding consequences assessment and the comments of NRW were taken into consideration when determining the planning application. The consequences of flooding at the site were considered to be acceptable subject to the provision of a flood management plan by condition. There have been no material changes in circumstances which would result in a departure from this viewpoint. The development would therefore accord with UDP Policies EV2 and EV36 subject to the provision of a flood management plan, which can be secured by condition.

### Principle of the proposed development

The UDP proposals map indicates the application site falls outside the retail zone defined in EC7 and outside of any district centre. Furthermore, the SPG indicates that the site is located within Zone D which supports proposals included within Use Classes B1, B2 and B8 of the Use Classes Order 1987.

The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. Policy EC9 states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example small scale shopping facilities required to meet local needs.

Aside from the exceptions stipulated, Policy EC9 does also acknowledge that an out-of-centre retail scheme in excess of local needs provision may be considered appropriate if a clear deficiency in shopping provision exists and there are no sequentially preferable sites available. Policy EC7 relates to proposals within the Enterprise Park and states that proposals for new retail development within the retail zone will be restricted to the sale of bulky goods items that do not pose a threat to the vitality, attractiveness and viability of the City Centre and surrounding town, district and local shopping centres. The Policy also states that proposals for new retail development outside the retail zone would not be permitted. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

National planning policy guidance on retail policy is set out in PPW, Chapter 10. The guidance makes clear that town, district and local centres are the most appropriate locations for retailing, in the interests of sustaining communities, enhancing accessibility and safeguarding the vitality and viability of established shopping centres. The critical factors for determining a planning application for a retail scheme best located in a town centre are identified as: the need for the development; the sequential approach to site selection; the impact on existing centres; accessibility and transport implications; and compatibility with the development plan. In terms of the sequential test, developers are required to demonstrate that all potential town centre locations have been thoroughly assessed before edge of centre sites are considered, requiring a flexibility of approach from both the developer and planning authority. The guidance makes clear that the retailer must be innovative about the format, design and scale of the proposed store, which should be tailored to fit local circumstances. In establishing the need for the development, the retailer is required to demonstrate quantitative need, in precedence of any qualitative need. Fundamentally, the guidance makes clear that the scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well.

PPW and TAN 23 also explain, for planning purposes, the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.

In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

## Key Issues

Preventing retail development that is likely to have an unacceptable adverse impact on established shopping centres is a key objective of planning policy at both local and national level. Maintaining the health of the City Centre and all district and local shopping centres within Swansea is important to sustain communities, support other essential services, and provide combined shopping facilities. The application site does not lie within any established shopping centre and the abovementioned UDP policies make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need (quantitative/qualitative) for the size of store proposed;
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores; and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

It is the extent to which the application sufficiently addresses matters a - d above together with consideration to the economic benefits that are most critical to the consideration of the principle of the proposal. These key elements are appraised under the headings below:

## Need

New retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed. PPW states that where need is a consideration, precedence should be accorded to establishing quantitative need and it is for the LPA to determine and justify the weight to be given to any qualitative assessment.

The A1 retail element would have an internal floor area of 111.5sqm. In terms of quantitative needs, no information has been provided in this respect, however, it is not considered necessary for an A1 retail development of this scale to provide justification in quantitative need terms. In terms of qualitative need, the applicant contends that unlike the southern end of the Enterprise Park, the business and commercial area within which the site lies is not currently served by a small scale bakery facility. The proposed unit is intended to serve the employment area and to provide a complementary facility that would add to the existing offer in this part of the Enterprise Park. The intended occupier 'Greggs' have submitted a letter in support of the proposal which states that the unit will be an addition to Greggs existing portfolio in Swansea and will not affect their units within the Enterprise Park and Morriston, which would suggest that the proposal may meet demand for such facilities within the Enterprise Park catchment.

Overall, no quantitative need has been demonstrated, however, it is accepted that the requirement to demonstrate such need would generally be applicable to larger scale developments. The proposal would add to the choice on offer in this part of the Enterprise Park which would equate to a qualitative need, however, there are already a number of competing food retail outlets in this part of the Enterprise park as such it is considered that limited weight can be given, in terms of establishing a need for the proposed development.

## Alternative Sites (Sequential Test)

The applicant asserts that the intended occupier is represented in Morriston district centre, as such they would not seek to open new premises in this sequentially preferable location. In any event the applicant contends that Morrison district centre is a separate catchment to that proposed for the new premises. Page 93



They consider the sequential test to be of academic value only in this situation as it would not encourage investment in Morriston by the intended operator, rather it would result in the development as a whole (as previously approved) not coming forward as without the anchor tenants committing to occupying the proposed A1 unit, the development would not be viable.

Notwithstanding this the applicant has undertaken an analysis of available sites within Morriston district centre focusing on units of approximately 80-130 sqm. Two sites identified at Clase Road and Treharne Road were considered both unsuitable and unavailable. Five units were potentially identified within Morrison including premises on Woodfield Street and Sway Road, but were discounted on the grounds that the units would not address the requirements of the end user, do not benefit from the required planning permission or would be too close to an existing operator.

Its is acknowledged that the sequential test has limited value in relation to this proposal which is intended to serve part of the Enterprise Park catchment, however, the test demonstrates that there are no units available within Morriston District centre that would be suitable to the intended operator. In this respect it is considered that the sequential test has been satisfied.

#### Impact upon established shopping centres

It is clear that development plan policies and national guidance require new retail developments to safeguard against any significant adverse impacts to town centre vitality and viability. The proposal is for a modest A1 retail unit within a consented A3 scheme. The proposal is said to cater mainly for Enterprise Park users and the fact that the intended occupier already has a premises in Morriston, yet are looking to invest in a further premises in the Enterprise Park, would endorse this view. Following on from this, it is considered that existing users of the Enterprise Park would be unlikely to make dedicated trips by foot, bike or car across the dual carriage way to Morriston for the retail offer proposed at this unit, particularly when parking in Morriston is at a premium. In addition, it is considered those making a dedicated trip to Morriston to take advantage of its services are likely to make linked trips to take advantage of its food and drink offer rather than make a further trip to the Enterprise Park. It is also an important material consideration that there are a considerable number of food outlets within very close proximity to the application site including a KFC, Burger King, ASDA instore café, Taybarns, the approved drive through coffee shop adjacent to the site and the approved A3 units on the previously approved scheme. The proposal would therefore add to the existing offer that serves the Enterprise Park catchment.

In order to mitigate any potential impacts on Morriston and also the City Centre, the applicant has stated they would be willing to accept a condition that the unit may only be used as a retail bakery and for no other purpose in class A1. A condition to this effect has been used elsewhere by the LPA to restrict the retail element of other similar developments.

Notwithstanding the applicant's contention that the proposal would not have a significant impact on Morriston district centre, £25,000 was offered for improvements to Morriston district centre under the previous planning permission, which was secured through a unilateral undertaking under Section 106 of the Planning Act 1990. Legal advice has confirmed it will be necessary for the applicant to provide a further unilateral undertaking to secure this contribution as the previous unilateral undertaking is not transferable to this application, should planning permission be granted. As such, if approved, it is recommended approval is subject to a further unilateral undertaking in order to secure this financial contribution.

The contribution is noted and would be required to fund future enhancement programmes which will be aimed mainly at improvements to Morriston Conservation Area.

In light of the above, it is considered the imposition of a condition to restrict the A1 use to a retail bakery would prevent an open A1 retail use and would serve to limit the impact of the development on Morriston district centre. The provision of £25,000 would be used to enhance Morrison district centre which would serve to act as mitigation for any detrimental retail impacts arising from the development. In this regard, on balance, it is considered that by virtue of the scale of the proposed unit and the restrictions to its use, which can be secured by condition, the development would be unlikely to result in any significant impacts to the vitality, viability and attractiveness of Morriston district centre and this should be given significant weight in the assessment of the principle of the development.

### Accessibility

The site is located approximately 1.5km from junction 45, linked to the site by the A4067 and A48. Heron Way is lit and in the main has adequate pedestrian access. The proposal includes the extension of the existing footpath on Upper Forest Way / Heron Way which will provide a pedestrian link to the site. National cycle network route 43 runs approx 360m west of the site, this predominantly traffic free route links to other segregated routes between Swansea to the south and Ystradgynlais to the north. The site has access to a half hourly bus service running along Clase Road which is located within the 400m recommended limit as set out in the Institution of Highways and Transportation (IHT) Document Public Transport in Development.

Having regard to the above the site is considered to be highly accessible and would comply with the relevant UDP policies in this respect. The fact the development is accessible by a range of transport modes is considered to carry moderate weight in favour of the proposal.

### Economic and regeneration benefits

The site is currently a derelict brownfield site which is visible from both Heron Way and Upper Forest Way. Clearly there is merit in bringing this land into economic use in terms of job creation and the positive impacts on the visual amenity and this was recognised when planning permission was granted for the original scheme.

The applicant has indicated that the proposed unit would create 9 full time equivalent jobs. Additional indirect employment would be generated through servicing the units. In this respect the development would make an important contribution to employment within the area.

In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration. However, in the absence of any robust evidence to quantify the economic benefits and in view of the relatively small scale of the proposal, it is considered that limited weight can be given in favour of the proposal in this respect.

### Conclusions and the principle of the development

It is acknowledged that the proposed development is a departure to UDP policies EC7 and EC9 which seek to prevent new non-bulky retail development within the Enterprise Park and new out of centre retailing (except in defined circumstances).

Notwithstanding this, the key question for the Authority is whether any anticipated adverse impacts arising from the development is regarded as being so materially adverse and over-riding that this would outweigh any benefits associated with the proposed development. In the balancing exercise it is considered the lack of demonstrable impact on Morriston district centre, the accessible location of the development and its economic and regeneration benefits would tip the balance in favour of accepting the principle of development on this site. In this respect the proposal is, on balance, considered to be acceptable in retail policy terms.

### **Access and Highway Safety**

The Head of Highways and Transportation has raised no objection to the proposal.

### **Conclusion**

The proposed development would replace an A3 unit on a consented retail parade to an A1 unit. Whilst the provision of new non-bulky retail development within the Enterprise Park is a departure to UDP policies EC7 and EC9 it is not considered that the proposal by virtue of its scale and retail offer proposed would result in any significant impacts to the vitality, viability or attractiveness of Morriston district centre. Accordingly the proposal is, on balance, considered to be an acceptable departure to the above UDP policies. Moreover, the proposal is considered to be satisfactory in terms of: the consequences of flooding; its impacts on the character and appearance of the area; its impacts on residential amenity; and its impacts on access and highways safety. It is not considered that the provisions of the Human Rights 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 AND CONTROL COMMITTEE with a recommendation that the application be APPROVED, subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide a contribution of £25,000 to fund regeneration initiatives within Morriston district centre.**

### **RECOMMENDATION**

**APPROVE, subject to the following conditions:**

- 1        The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2        The premises shall be used as a retail bakery shop only and for no other purpose (including any other purpose in Class A1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
Reason: In order to minimise the retail impact of the development on the vitality, viability and attractiveness of Morriston district centre.

- 3 Prior to the commencement of development a flood management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and operated in accordance with the approved plan.  
Reason: In order to manage the risks of flooding at the site.
- 4 The development shall not be occupied until a method for its ventilation and fume extraction, if required, has been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.  
Reason: To minimise noise and nuisance to neighbouring uses.
- 5 Deliveries, waste collections and the unloading of pallets and/or cages shall only take place between  
06.00hrs and 22.00hrs.  
Reason: To minimise noise and disturbance to surrounding occupiers.
- 6 The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual amenity.
- 7 The development hereby approved shall be constructed in conjunction with the adjoining units (units 2-4), as shown on approved plan SP311 (G) - P106 and shall not be a stand alone structure.  
Reason: To ensure the development is implemented as part of a wider scheme to develop the site and to ensure adequate infrastructure to serve the development is provided.

## **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: AS2, AS6, EV1, EV2, EV3, EV36, EC3, EC4, EC7 and EC9.

## **PLANS**

SP311(G) - P100 site location plan, P102 site plan, P103 proposed site plan, P106 proposed elevations, P107 proposed elevations, P101 existing site plan, P104 proposed floor plan, P105 proposed roof plan, dated 20th May 2014

# Agenda Item 8

## Report of the Head of Economic Regeneration & Planning

### To Development Management and Control Committee

14 August 2014

#### PARC TAWE (PHASE 1), SWANSEA

**ALTERATIONS TO EXISTING RETAIL PARK COMPRISING DEMOLITION OF VACANT PIAZZA UNITS, KIOSKS, AND SOME RETAIL FLOORSPACE (A1/A3 USE), SUBSTANTIAL DEMOLITION OF THE ENCLOSED WALKWAY, POTENTIAL DEMOLITION OF VACANT CLASS A3 FORMER PIZZA RESTAURANT, ALTERATIONS AND REFURBISHMENT OF BUILDING FACADES, PHYSICAL ENHANCEMENTS TO THE EXISTING FOOTBRIDGE AND ASSOCIATED RAMP, CREATION OF 4 NO. KIOSKS (CLASS A1/A3), USE OF UNITS 2A, 2B AND 3 FOR CLASS A3 PURPOSES, ERECTION OF A STANDALONE DRIVE-THRU RESTAURANT UNIT (CLASS A3), RECONFIGURATION OF CAR PARKING LAYOUT, ERECTION OF 3M SCREEN WALLING; LANDSCAPING AND PUBLIC REALM WORKS AND ASSOCIATED HIGHWAYS WORKS**

<b>Purpose:</b>	To determine planning application 2013/1818 at Parc Tawe (Phase 1) for the above works.
<b>Policy Framework:</b>	Planning Policy Wales, adopted City & County of Swansea Unitary Development Plan and Supplementary Planning Guidance.
<b>Reason for Decision:</b>	Statutory responsibility of the Local Planning Authority.
<b>Consultation:</b>	Legal.
<b>Recommendation(s):</b>	It is recommended that:  The application be APPROVED, subject to the conditions set out of the end of the report provided as Appendix B.
<b>Report Author:</b>	Richard Jones.
<b>Finance Officer:</b>	N/A.
<b>Legal Officer:</b>	The legal advice received in respect of this application is set out in detail throughout the appended report.

## **1.0 Background**

- 1.1 This application is being reported directly to this Development Management and Control Committee because of its strategic significance in accordance with the Council Constitution.
- 1.2 The application relates to Parc Tawe (Phase 1) and seeks planning permission for alterations to existing retail park comprising demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use), substantial demolition of the enclosed walkway, potential demolition of vacant Class A3 former pizza restaurant, alterations and refurbishment of building facades, physical enhancements to the existing footbridge and associated ramp, creation of 4 no. kiosks (Class A1/A3), use of Units 2A, 2B and 3 for Class A3 purposes, erection of a standalone drive-thru restaurant unit (Class A3), reconfiguration of car parking layout, erection of 3m screen walling; landscaping and public realm works and associated highways works.
- 1.3 A plan showing the location of the application site is attached as Appendix A and a copy of my report is attached as Appendix B.

## **2.0 Recommendation**

- 2.1 It is recommended that:
  - (i) The application is APPROVED subject to the conditions set out in my report, attached as Appendix B.

## **BACKGROUND PAPERS**

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

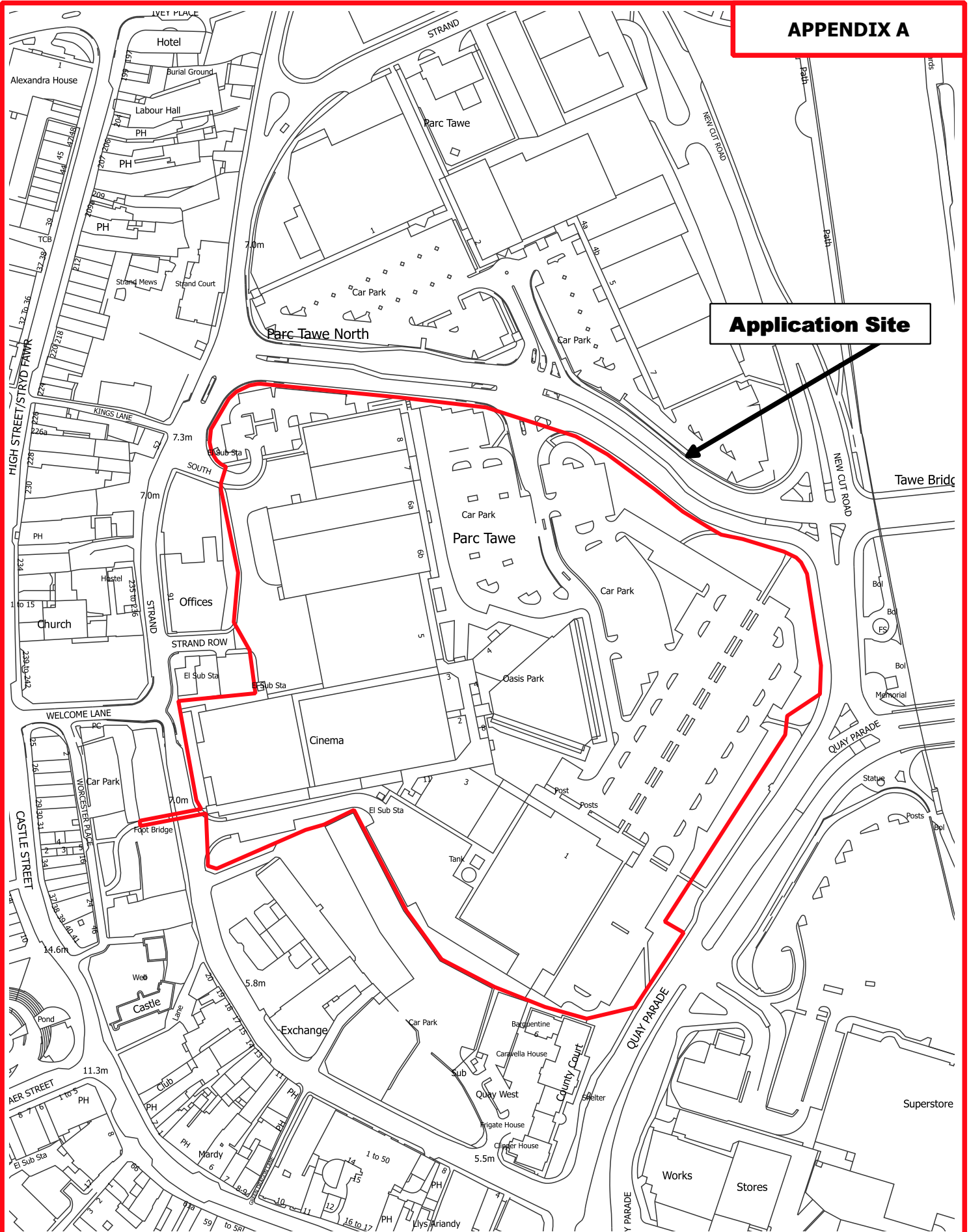
The following documents were used in the preparation of this report:

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



**Application Site**

**Planning Application No. 2013/1815  
Phase 1, Parc Tawe, Plantasia, Swansea, SA1 2AL**

**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. 2013/1815  
WARD: Castle Area 1

**Location:** Phase 1, Parc Tawe, Plantasia, Swansea, SA1 2AL

**Proposal:** Alterations to existing retail park comprising demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use), substantial demolition of the enclosed walkway, demolition of vacant Class A3 former pizza restaurant, alterations and refurbishment of building facades, physical enhancements to the existing footbridge and associated ramp, creation of 4 no. kiosks (Class A1/A3), use of Units 2A, 2B and 3 for Class A3 purposes, erection of a standalone drive-thru restaurant unit (Class A3), reconfiguration of car parking layout, erection of 3m screen walling; landscaping and public realm works and associated highways works.

**Applicant:** Mr R Beresford

## BACKGROUND INFORMATION

### POLICIES

Policy	Policy Description
Policy CC1 - UDP	<p>Within the City Centre, development of the following uses will be supported:-</p> <ul style="list-style-type: none"> <li>(i) Retailing and associated uses (Classes A1, A2, A3),</li> <li>(ii) Offices (B1),</li> <li>(iii) Hotels, residential institutions and housing (C1, C2, C3),</li> <li>(iv) Community and appropriate leisure uses (D1, D2, A3)</li> <li>(v) Marine related industry (B1, B2).</li> </ul> <p>Subject to compliance with specified criteria. (City &amp; County of Swansea Unitary Development Plan 2008)</p>
Policy CC2 - UDP	<p>New retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged subject to compliance with specified criteria. (City &amp; County of Swansea Unitary Development Plan 2008)</p>
Policy CC3 UDP	<p>The St David's/Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. Any other retail based development, whether within or outside the City Centre, will be evaluated against this aim. Development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.</p>



Policy CC4 - UDP	Definition of appropriate uses and floorspace in Parc Tawe (Phase 1), and consideration of other proposal within the Parc Tawe area. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (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 EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)
Policy EV5	The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: <ul style="list-style-type: none"> <li>i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,</li> <li>ii) A reduction in the quality of surface water run-off.</li> </ul>

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

Policy EV36 New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

Policy 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 AS4 Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in 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)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
88/1291/06	PARTLY ILLUMINATED INTERNAL AND STATIC FASCIA SIGN Decision: *HRP - REFUSE PERMISSION Decision Date: 04/10/1988
98/6031	ERECTION OF INTERNALLY ILLUMINATED FASCIA SIGN Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 29/05/1998

2005/0711 Mezzanine floor (application for a Certificate of Proposed Lawful Development)  
Decision: Withdrawn  
Decision Date: 28/07/2005

2005/0714 Mezzanine floor (application for a Certificate of Proposed Lawful Development)  
Decision: Withdrawn  
Decision Date: 28/07/2005

2006/1137 Installation of louvre panels on south east elevation  
Decision: Grant Permission Conditional  
Decision Date: 22/06/2006

88/1869/06 NON-ILLUMINATED SHOP SIGN, 'SUPERSTORE' 9.5MM X 0.800 (CAP HEIGHT) INDIVIDUAL LETTERS FIXED TO CLADDING  
Decision: \*HRP - REFUSE PERMISSION  
Decision Date: 31/01/1989

98/6076 ERECTION OF 3NO INTERNALLY ILLUMINATED FASCIA SIGNS AND 1NO NON ILLUMINATED FASCIA SIGN  
Decision: \*HGCC - GRANT CONSENT WITH CONDITIONS  
Decision Date: 23/10/1998

99/1229 ERECTION OF 4 NO. CHILLER UNITS ON 2ND FLOOR ROOF  
Decision: \*HGPC - GRANT PERMISSION CONDITIONAL  
Decision Date: 19/10/1999

2001/1904 One internally illuminated individual letter sign on south east side elevation, one internally illuminated individual letter sign on front elevation, one internally illuminated entrance sign and two internally illuminated information signs  
Decision: Grant Advertisement Consent (C)  
Decision Date: 18/01/2002

2005/0715 Mezzanine floor (application for a Certificate of Proposed Lawful Development)  
Decision: Withdrawn  
Decision Date: 28/07/2005

2008/1711 Retention of one internally illuminated high level sign  
Decision: Grant Advertisement Consent (C)  
Decision Date: 10/11/2008

2009/1483 Change of use from retail (Class A1) to take-away patisserie (Class A3)  
Decision: Grant Permission Conditional  
Decision Date: 16/11/2009

2011/0587 Change of use from retail (Class A1) to fish tank pedicure  
Decision: Grant Temporary Permission  
Decision Date: 15/06/2011

2005/2145 Installation of ventilation louvres to existing window openings to north eastern and north western elevations  
Decision: Grant Permission Conditional  
Decision Date: 06/12/2005

2006/1189 Installation of ventilation louvres to existing window openings to south eastern and north western elevations  
Decision: Grant Permission Conditional  
Decision Date: 22/06/2006

2008/2332 Internally illuminated double sided free standing display unit  
Decision: Refuse Advertisement Consent  
Decision Date: 19/02/2009

99/1007 RETENTION OF ROLLER SHUTTER AND ALTERATIONS TO FRONT ELEVATION  
Decision: \*HGPCU - GRANT PERMISSION UNCONDITIONAL  
Decision Date: 03/09/1999

A00/6021 2 NO INTERNALLY ILLUMINATED FASCIA SIGNS  
Decision: \*HGCC - GRANT CONSENT WITH CONDITIONS  
Decision Date: 28/04/2000

A01/6012 ERECTION OF 3 NO. HIGH LEVEL NON ILLUMINATED WALL MOUNTED SIGNS  
Decision: \*HGCC - GRANT CONSENT WITH CONDITIONS  
Decision Date: 06/03/2001

A01/0197 Construction of replacement front foyer extension  
Decision: Grant Permission Conditional  
Decision Date: 27/03/2001

2001/1872 New shop front  
Decision: Grant Permission Conditional  
Decision Date: 14/01/2002

95/6111 Erection of 6.5 metre high internally illuminated freestanding gantry sign  
Decision: Appeal Dismissed  
Decision Date: 23/10/1996

2007/2339 Use of unit as a retail shop (Class A1)(application for a Certificate of Proposed Lawfulness)

Decision: Withdrawn  
Decision Date: 15/06/2009

2009/0268 One internally illuminated high level sign to front elevation  
Decision: Refuse Advertisement Consent  
Decision Date: 11/05/2009

A00/6109 ERECTION OF 2 INTERNALLY ILLUMINATED PYLON TOTEM SIGNS  
Decision: \*HRC - REFUSE CONSENT  
Decision Date: 06/03/2001

2012/0710 Installation of two wall mounted satellite dishes  
Decision: Grant Permission Conditional  
Decision Date: 13/07/2012

2002/1349 Retention of one internally illuminated individual letter sign on south east side elevation and one internally illuminated individual letter sign on front elevation  
Decision: Grant Permission Conditional  
Decision Date: 04/10/2002

2003/0112 Change of use from retail unit (Class A1) to an amusement arcade (Sui generis)  
Decision: Refuse  
Decision Date: 18/03/2003

2008/0373 Two internally illuminated free standing display panel  
Decision: Refuse Advertisement Consent  
Decision Date: 27/03/2008

88/1157/06 TWO POST SIGNS TO FRONT OF UNIT IN SOFT LANDSCAPING AREA.  
Decision: \*HRP - REFUSE PERMISSION  
Decision Date: 06/09/1988

89/0983/11 MULTI-STOREY CAR PARK  
Decision: Withdraw  
Decision Date: 14/05/1992

2002/0117 Construction of single storey detached centre manager's office/security building  
Decision: Grant Permission Conditional  
Decision Date: 05/03/2002

2005/0712 Mezzanine floor (application for a Certificate of Proposed Lawful Development)  
Decision: Withdrawn

Decision Date: 28/07/2005

- 2005/0722 Mezzanine floor (application for a Certificate of Proposed Lawful Development)  
Decision: Withdrawn  
Decision Date: 28/07/2005
- 2005/1867 Two illuminated fascia signs  
Decision: Grant Advertisement Consent (C)  
Decision Date: 24/02/2006
- 2007/2543 4 no. internally illuminated lamp post advertisement display panels  
Decision: Refuse Advertisement Consent  
Decision Date: 10/01/2008
- 2011/0638 Siting of a mobile catering unit  
Decision: Grant Temporary Permission  
Decision Date: 01/07/2011

## **RESPONSE TO CONSULTATIONS**

The application was advertised on site and in the local press. No public response received. TWO LETTERS OF OBSERVATION have been received. The principal points of which are summarised below:

1. Any improvement to the poor quality, ugly and decreasingly prosperous Parc Tawe site is welcome, and Hammerson's overdue proposals are, in this regard, clearly an improvement upon what exists.
2. Proposals however do not go nearly far enough in the contribution they aim to make to the regeneration of the city centre.
3. Ideally, the uses of the site should be reconsidered as part of the wider city strategy, but even accepting that it is to remain a shopping and leisure complex with a lot of car parking, the current proposals fail to take up important opportunities to integrate these uses better with the city and to significantly enhance the nearby environment in line with the Council's strategic objectives.
4. The aim of reconnecting the City Centre to the Tawe as an enhancement of Swansea's waterfront character - in addition to efforts to improve access to the seafront to the south and west - has rightly been a core planning policy since at least the adoption of the UDP. Since then, SA1 and developments in the Hafod and Morfa have increased the importance of the Tawe edge of the city core, and by any measure - but especially in terms of character, access and sustainability - the Parc Tawe site is essential to this objective.
5. Policies 10 and 11 of the emerging LDP support at a strategic level complementary retail developments and the overriding priority of enhanced connections to the Tawe and the Seafront, though no policies for specific areas which supplant those in the UDP have yet been put forward.

6. The Swansea City Centre Strategic Framework (SCCSF), identifies as a priority that the relationship between the retail core and Parc Tawe needs to be improved.
7. The Strand, its numerous historic industrial buildings, and its curve which preserves the memory of the original course of the River Tawe and which is part of the spine of the medieval street pattern of central Swansea, is essential to understanding the full significance of many nearby heritage assets and the historical development of Swansea as a whole. It retains pockets of character despite unsympathetic development. The street is a neglected asset, especially in light of the need to strengthen the north-south movement links parallel with the river, and links from the retail core to the river. However, the Strand is a spatial weak link, and Park Tawe is a key cause of its present failure.
8. The SCCSF states on page 16 that “Parc Tawe to the east of the City Centre is separated from the City Centre retail core by level changes which make pedestrian movement difficult, and includes larger format retail and leisure units which are substantially car dependent.” City Centre Regeneration policy CC4 of the UDP deals with Parc Tawe, and calls for “landmark buildings and a quality public realm”. “Development and physical improvements will specifically be sought on the Strand/Quay Parade frontages whilst respecting the regeneration initiatives arising from the rest of the City Centre. This will help generate the activity and viability between Parc Tawe (Phase 1) and the rest of the City Centre.” The importance of active frontages and spaces is supported by the diagram on page 24 of the SCCSF.
9. This application does only the absolute minimum to restore the character and importance of the Strand, but more critically it offers little prospect of additional activity to the west and no new east-west permeability.
10. No more do these proposals realistically promise animation of the Quay Parade frontage. The best that can be said is that by concealing some of the ugliness of what exists, the proposals might make these streets somewhat less unappealing, but they will add no new permeability or animation.
11. The proposals might help attract new tenants to Parc Tawe, but as the plans make clear, these will all be gathered around the eastern car park frontage, presenting to neither the Strand nor directly to Quay Parade, and are unlikely to act as a generator of activity or as an additional draw of footfall across the site from the rest of the City Centre.
12. The Parc Tawe complex is clearly part of the setting of the listed buildings Swansea Castle and the Castle Cinema, as well as the eastern edge of the Wind Street Conservation Area. There is no doubt that the settings of the Castle and Castle Cinema will not suffer as a result of the proposals, but they will benefit from them scarcely at all.
13. Page 22 of the SCCSF notes that the Castle “lies next to a derelict site and blank facades. This compromises the setting of the Castle in this location.” It is now in the power of the applicants to make some amends for the harm done by the low quality public realm around the Strand service areas of the BT Tower and Parc Tawe. The setting of heritage assets is a material consideration in planning decisions.

14. PPW states clearly that proposed development should not conflict with the objective of “preserving or enhancing” the character or appearance of a conservation area, or its setting; the proposals provide for maintenance and superficial improvement to the status quo, but offer no positive enhancement of the Wind Street Conservation Area. Only a night-time Proposed Visual of the improved footbridge is provided, which might cast doubt on the enhancement of even this low quality part of the public realm around the development.
15. Instead of a high quality bridge - which if well designed could positively contribute to the character of the conservation area - the bridge, even as improved, is a utilitarian connection with a temporary look. The closest to a landmark building the proposals offer to the existing public realm is the weak turret at the south end of the Strand frontage.
16. Generally, views from historic parts of the city centre - especially from Worcester Place and from the bottom of Castle Lane on the Strand - are at most superficially improved by proposed cladding and attempts to disguise blank and impenetrable walls with greenery. Better views from the east of the site towards the city centre (as in Proposed Visual 6) are welcome, making a new visual link with the city core, but this benefit accrues mainly to the retail development itself in adding character and connection. Views from, for instance, near the recently upgraded public areas around the Castle towards the river and the lower Swansea valley, will still be dominated by the bland roofscape of Parc Tawe.
17. More broadly, the UDP includes, under the aim of 'Creating a Quality Environment', Goal 1 - to “Sustain a healthy, visually attractive, ecologically and historically rich environment” - which would seem to propose a much more ambitious approach to this neglected part of the centre. It is visually important for the lower Swansea valley, historically important to the city, ecologically important as near-waterfront, and important for creating new sustainable pedestrian and cycle connections.
18. The UDP's environmental policies mention greenery, lanes and footpaths. Admirably, Goal 5 of the UDP - Improving Accessibility - recommends an Integrated Transport System with objectives including: “to conserve and enhance the historic and cultural environment”, and “to promote cycling and walking and the provision of high quality public transport”. The historic and cultural environment is thus made a critical part of plans for managing and improving movement around Swansea, and for creating our waterfront city. Parc Tawe falls immediately adjacent to two key routes for this objective, which are currently curtailed and compromised: Castle Lane, between Wind Street and the Strand; and Welcome Lane and lanes to the north which meet the Strand east off High Street. These spots are in turn directly connected to two critical junctions - College Street - High Street - Castle Bailey Street; and Wind Street - Caer Street - Castle Bailey Street - which are, as of February 2014, scheduled for multi-million pound investment, such is their importance. The linkages diagram on page 28 of the SCCSF shows these two key east-west routes abruptly curtailed at the Strand. Not to pursue and extend forthcoming strategic public realm improvements in connection with the large Parc Tawe scheme only a few dozen metres away risks wasting the investment and cramping its effectiveness.
19. With the welcome new development at the top of Wind Street, Castle Lane will suddenly regain interest as an ancient urban route; this will benefit the Castle, since



its significant elevation with the distinctive arcading is best viewed from Castle Lane and Wind Street.

20. The bottom of Castle Lane moreover preserves something of the mercantile waterfront that is otherwise lost in Swansea. It arrives, however, at a car park and service entrances to Parc Tawe and the BT Tower. If the proposals were more ambitious for Parc Tawe's main city frontage, this area could regain some character and draw as a new iconic city centre spot.
21. Similarly, an important east-west connection in the city ought to draw pedestrians and cyclists on sustainable journeys down College Street from the redeveloped Kingsway junction, down Welcome Lane and onwards to the river and St Thomas. Instead, Welcome Lane is a bleak traffic queue, which arrives at an impenetrable rear-elevation of Parc Tawe, and a service yard in Strand Row. UDP Policy CC6 (accessibility) objective vi. calls for "extending and improving the quality of pedestrian routes through the City Centre and its connections with the Waterfront". The present application has nothing to say about this area, yet immediately to the north some of Swansea's most historic urban grain - where the High Street descends to the Strand - is rapidly decaying, for want of activity and accessibility. The northern range of Parc Tawe Phase 1 is, practically speaking, only accessible by car from the east, or by the footbridge link past Plantasia and the cinema and turning north; the public realm between Parc Tawe north and south reinforces this isolation from the upper High Street and the Station. Had pedestrian interest in this area not been sacrificed to the two Parc Tawe developments - despite the UDP's connection of heritage and the street network - the Grade-II listed Bush Hotel might not have been quite so hopelessly neglected and then lost.
22. Accessibility and waterfront connections are repeatedly closely linked to city centre regeneration through UDP policies. The present application provides for no added permeability through the Strand or Quay Parade frontages, merely tidying existing entrances. They only upgrade the one existing through-link eastwards towards the river by partially exposing it and improving its facades - an enhancement which is both superficial and a half measure, since the linkage will still lead nowhere but the carpark of the development itself, where a wilderness of tarmac stretches to the dual carriageway and the invisible river. The SCCSF confirms, Parc Tawe "has no relationship with the river".
23. Parc Tawe dominates the city centre as it meets the diverted Tawe. The strategic heart of the UDP deals with city centre regeneration. Paragraph 6.3.1 aims specifically:
  - To establish a high quality City Centre environment closely integrated with the Seafront and River Tawe, creating a unique Waterfront City.
  - To deliver major enhancements to the public realm, leading to the creation of a network of attractive streets, spaces, gateways and corridors.
  - To improve accessibility to and within the City Centre by reducing congestion, delivering a fast and efficient public transport network with improved facilities and enhancing pedestrian linkages both internally and to the Waterfront.

These aims cannot be realised without the integration of Parc Tawe. Hammerson's

proposals continue to prioritise cars and parking: though it is undesirable, that is in the nature of this shopping complex.

24. On the frontage which presents to the city centre though, and which mediates between the historic heart of Swansea and its Tawe waterfront today, the proposals are as superficial and half-hearted as they could feasibly be. By barely considering the setting of important heritage assets when a crucial opportunity to correct existing harm is apparent, they undermine current conservation efforts. They provide no new or better connections for city centre and waterfront access, which is an obvious minimum requirement of the UDP, instead merely repackaging an existing route. Generally, they do not offer a whisper of the imagination Swansea's planning policy clearly hopes to encourage in strategic areas that have long been blighted by poor quality and interim development.
25. This application aims to extend the commercial life of the development by perhaps another 20 or 30 years. This is, then, a generational chance to re-plan a large strategic city centre site.
26. Hammerson's desire to renovate and invest in Parc Tawe is welcomed, and the proposals are better than nothing, but little more can be said for them.
27. It is noted that the number of Blue Badge parking spaces is proposed to be 39. The total number of parking spaces to be provided is 829. Under Swansea Parking Guidelines 6% of the total parking spaces should be Blue Badge compliant this would give a minimum of 50 spaces i.e. 11 more than proposed. It is obvious that the designers have not consulted the Parking Guidelines and it is requested that they be made to supply 50 spaces. As such a simple provision for disabled access has been ignored it is asked that planning officers check all access provision closely for this development.

**Natural Resources Wales** – We would have no objection to the proposed development, but would like to make the following comments.

#### *Flood Risk*

As your Authority is aware the application site lies within zone C1 as defined by the development advice map referred to under TAN15: Development and Flood Risk (July 2004). Our Flood Map information also confirms the site to lie within the 1 in 1000 year probability flood outline.

However, we recognise that application is in the most part for the alteration and refurbishment of an existing building which houses mixed A1/A3 use. It is therefore considered to be low vulnerability under TAN15. We are satisfied that a flood consequences assessment (FCA) is not required in this instance, however the developer should be made aware of the potential flood risk to the site. We would; also recommend that appropriate signage should be erected within the building and car parking area to make users aware of the risk of flooding and the actions and/or evacuation procedures to be followed during an extreme event. We would refer you and the developer to Appendix 6 of TAN 15 in this regard, which outlines relevant Health and Safety Act duties.

In addition, we would recommend that the developer incorporate some flood resilience measures as part of the refurbishment works. This could include resilient walls, floors, doors, electric wiring etc. Further information on flood proofing can be found in the ODPM

publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website:

### *Drainage*

In terms of drainage, we acknowledge that the existing system will be used. However, if there are any opportunities to install some sustainable drainage techniques (SUDS) to manage surface water then this should be taken. For example, retrofitting some grey water recycling/grey-water harvesting. Also, it may be possible to divert the surface water from the main sewer to soakaway (if ground conditions are acceptable). You may wish to discuss opportunities to manage surface water from the site further with your Authorities drainage engineers.

### *Contaminated Land*

This site is considered brownfield land and it is possible that past uses have led to contamination. However, given the nature of the proposal we are satisfied that a full site investigation is not needed in this instance. However as a minimum, to ensure there is no risk of pollution to controlled waters from any contamination that may be present, we would ask that a condition to deal with any unforeseen contamination be included on any permission granted.

Please note that with regard to land contamination, we only consider issues relating to controlled waters. You are advised to consult with your Authority's Public Health Department for advice in relation to other receptors such as human health.

### *Pollution Prevention*

Construction and demolition activities can give rise to pollution. It is therefore important that appropriate provisions are made for dealing with dust pollutions, surface water management and waste storage during the demolition and external alteration/construction works.

It is therefore important that appropriate pollution prevention measures are in place during the length of the project. It is recommended that the developer produce a detailed construction management plan (CMP), which provides full details of the measures in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Your Authority may consider including an appropriate **condition** to this effect.

### *Waste Management*

As demolition works are included as part of this proposal, we would recommend that a site waste management plan (SWMP) is produced. Completion of a SWMP will help the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website (.

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such, the requirement for a SWMP may be best provided under condition on any permission granted.

Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website;

### *Ecology*

In relation to the Ecological Building Inspections that were carried out by Waterman Energy, Environment & Design Ltd. We note the findings of the report, as laid down in sections 1.9 to 1.12.

NRW are generally supportive of the conclusions and recommendations made in sections 1.14 to 1.17 of the document. Although the retail units are considered to be of negligible value for roosting bats, the applicants should be reminded that if any bats are encountered during works, the development must stop immediately and NRW contacted for further advice.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. NRW recommend that you consult your Authority's Planning Ecologist/Internal Ecological Adviser, with regard to the application.

**Welsh Water** – Request for any planning permission granted that conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Glamorgan Gwent Archaeological Trust** – The area is close to the centre of the early settlement area of Swansea, near to the castles and the river, which would have been the centre of the sea trade. Evidence of this, and the changing types of docks, wharfs and associated features which are known to form deeply stratified remains, were the reason for requesting the evaluation.

The work was undertaken by GGAT Projects, interim report ref: P1712 dated July 2014, shows that three trenches were opened in line with the specification for the work. All of these showed a depth of concrete and tarmac that overlay a depth of rubble comprising stone and brick and other materials. It is likely that this layer represents the re-deposition of rubble from the bombing of Swansea during World War 2, when buildings were demolished and the remains spread over many areas of the city, and archaeological work has encountered this in different areas. During the evaluation, potential unexploded ordnance (incendiary) was encountered and the Police and Bomb Disposal Unit called; the object was deemed safe. The masonry wall remains encountered in Trench 3 is likely to be the edge of the Albion Dock; it is on the correct alignment and of a substantial and mortared nature unrelated to the looser rubble which forms the matrix around it. The depth of this beneath the current ground level is likely to ensure its preservation in-situ, as it is approximately 3m bgl. Taking these results into account, it is unlikely that any

archaeological remains encountered would be of sufficient importance to warrant further evaluation; the results also provide us with sufficient information to recommend the attachment of a condition for the development, which can be mitigated by ensuring the ground disturbing work is done under archaeological supervision.

We conclude that mitigation can be achieved by undertaking the groundworks under archaeological supervision, and with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed.

We therefore recommend that a condition should be attached to the consent, requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief; this will also ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

*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.*

**South Wales Police Crime Prevention Officer** – Observations made in respect of CCTV, access, service areas, signage, landscaping, lighting, car parking, bin stores, drainpipes, building shell security, access control, door security, window security, intruder alarm systems, computers and secure areas.

**Pollution Control** – Request conditions relating to unforeseen contamination, new or replacement ventilation/fume extraction systems, new or replacement external plant/machinery and the provision of a Demolition/Construction Site Management Plan. Request informatives in respect of construction noise, smoke/burning of materials, dust control and lighting.

## **Highways -**

### 1. Introduction.

The site currently operates as a mixed use development with associated parking facilities. There is an overall loss of parking resulting from the redevelopment but there is also a corresponding loss of floor space associated.

The site is well served by public transport and is also in close proximity to the National Cycle Network route which runs along side the river Tawe.

### 2. Access to the site

The existing vehicular access to the site are to be maintained for both the customer areas and the staff/servicing areas (off the Strand). There is also a new coach parking area being provided adjacent to the Plantasia building within the site boundary which should be beneficial in terms of health and safety for visiting parties.

The main access junction for customer traffic is off Plantasia (Parc Tawe Link Road) via a signal controlled junction. No changes are proposed to this access junction which will continue to operate as currently.

Servicing access is currently provided from two separate priority junctions and these are also being retained.

There are several pedestrian access points into the site off the surrounding road network of Quay Parade, New Cut Road, The Strand and the road that divides Parc Tawe Phase 1 with Parc Tawe Phase 2 (known as Plantasia). The pedestrian permeability is greatly improved as a result of the proposed works.

There is a main pedestrian access through the site to the west of Plantasia and similarly there are two main pedestrian exits onto the Strand, one at grade which leads into the Strand directly and one elevated which crosses a bridge and links to Worcester Place/Castle Street.

There are proposals to refurbish the bridge and provide an at grade pedestrian crossing to provide enhanced pedestrian crossing facilities. The off site works can be secured via a condition to be completed under a section 278 Agreement with the Highway Authority. This will then link into the Castle Lane development.

#### 1. Transport Statement (TS)

A Transport Statement was submitted which outlined the proposed changes and the likely impact on parking and traffic in general. The scope of the T.S. was agreed with CCS Highways prior to the report being produced.

There is a net loss of 1575 square metres arising from the redevelopment (which includes the 186 square metres drive through restaurant.) There is an associated loss of parking of 24 customer spaces and 27 staff spaces compared to the existing provision.

On a pro-rata basis the current parking rations is 1 space per 29 square metres and following the redevelopment the same ration is being maintained. Obviously this is a very simplistic approach as different use classes have different parking requirements but overall it can be seen that on balance there is very little change in the parking provision.

A parking survey was undertaken in September 2013 over a Friday and a Saturday . This provided a daily profile of the number of vehicles parked and duration of stay. The results showed that saturation occurs currently on a Saturday afternoon and that 11% of cars stayed longer than the 3 hours limit. There is a camera system in operation intended to send parking tickets out by post for those exceeding the allowable stay but this is not currently in operation. No figures have been produced as to how many tickets are issued in a typical day as this has not been introduced, nor has it been shown how the loss of parking may be mitigated for. The TS states that as the redevelopment results in a loss of 24 spaces it is proposed to introduce measures to better manage car parking and ensure that capacity is available in the future. These will include better enforcement of existing parking restrictions to keep the verges clear, increased foot patrols to minimise

inconsiderate parking and issuing of tickets to those drivers that fail to comply, better enforcement of existing parking restrictions using ANPR technology to reduce down the number of vehicles exceeding the three hour limit.

## 2. Parking

Disabled parking (39 spaces) is shown at 6% of the total car parking numbers and motor cycle parking (21 spaces) is also included at 3% of the total car parking numbers. There is also a proposal to upgrade the existing cycle parking facilities to provide 75 cycle parking stands located in a number of areas along the retail frontage.

## 3. Pedestrian and cycle facilities

Part of the aim of the proposals is to improve the pedestrian permeability and cycle users of the site by the following methods:

- Widening of the existing at grade pedestrian facilities to Quay Parade and Plantasia
- Refurbishment of the existing footbridge that links the site to Worcester Place
- Additional cycle parking to be provided to make up the 75 spaces required.
- The installation of a new at grade pelican crossing on the Strand as per Vectos drawing 131086/A/05

## 4. Summary

It has been shown that the proposed redevelopment will not have a significant detrimental impact on parking or traffic in the area. There are a number of proposals which can be secured by condition to ensure that the loss of parking will not be a problem in the future, and that measures to enhance pedestrian provision will lead to an increase in non car modes of transport to the site.

## 5. Recommendations

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

1. The cycle, motor -cycle and disabled parking to be laid out in accordance with the approved plans prior to beneficial use of any of the units commencing.
2. Refurbishment of the existing footbridge at the rear of the site linking to Worcester Place in accordance with details to be submitted for approval to the LPA, this should include details of proposed containment of any debris and a method statement to ensure that the Strand is properly protected.
3. Widening of the existing pedestrian crossing between the site and Plantasia (link road) in accordance with details to be submitted for approval to the LPA and undertaken under a section 278 agreement with the Highway Authority
4. The installation of a new at grade pelican crossing on the Strand as per Vectos drawing 131086/A/05 under a section 278 Agreement with the Highway Authority.
5. A car parking management plan to be submitted for approval to the LPA to ensure that the parking provision is being properly managed and contained within the site.
6. The applicant be required to submit a Travel Plan within 12 months of this consent and this travel plan be required to be implemented prior to beneficial occupation of any of the units.

## **APPRAISAL**

### *Introduction*

The application is reported directly to the Development Management and Control Committee in accordance with the Council's Constitution as an application of strategic importance.

The application is supported by the following documentation:

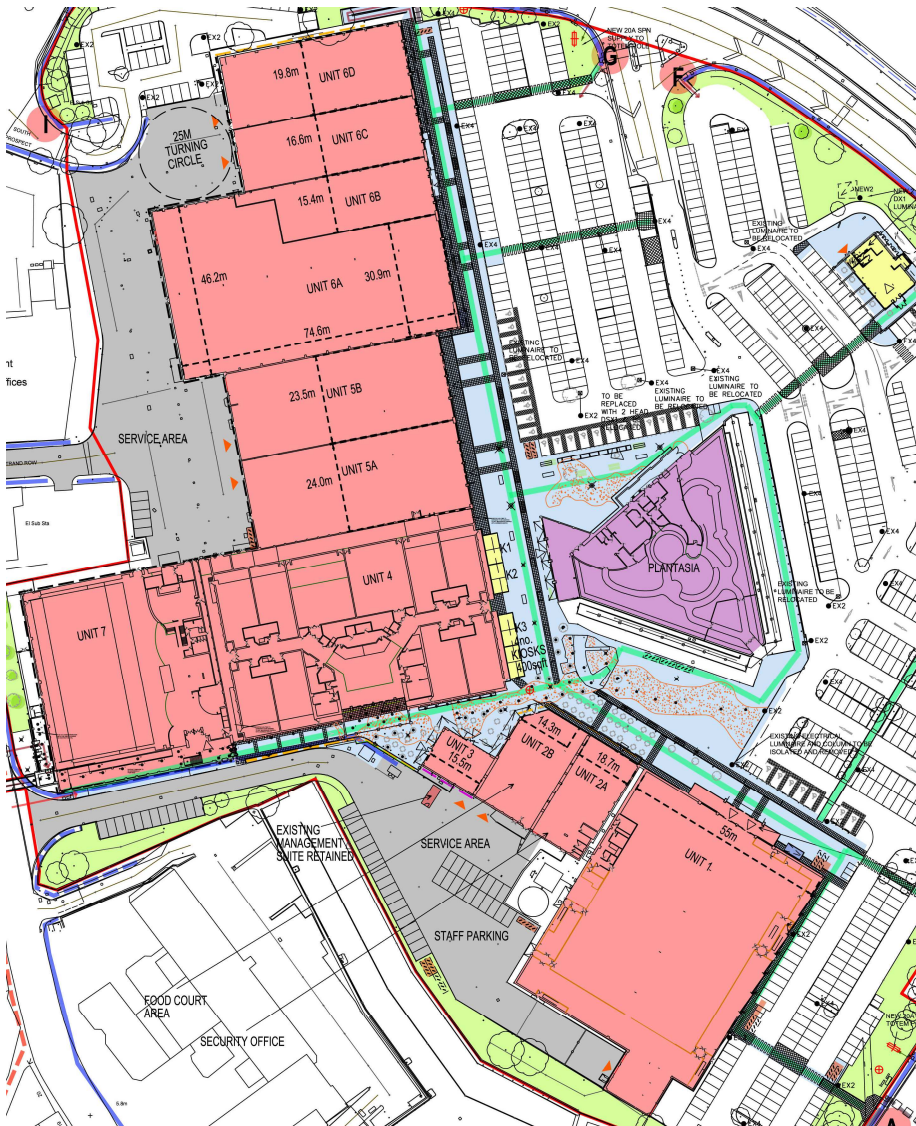
- Design and Access Statement;
- Planning and Retail Statement;
- Transport Statement;
- Ecological Buildings Inspection;
- Archaeology letters dated 20<sup>th</sup> and 27<sup>th</sup> March 2014;
- Consequential Flood Risk Assessment;
- Geo-environmental Statement;
- Retail Impact Assessment; and
- A letter of legal advice covering the restrictive sale of goods condition and suitable mechanisms for achieving this purpose.

### *The Proposal*

The application seeks full planning permission for alterations to existing retail park comprising:

- Demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use);
- Substantial demolition of the enclosed walkway;
- Demolition of vacant Class A3 former pizza restaurant adjacent to Plantasia,
- Alterations and refurbishment of building facades;
- Physical enhancements to the existing footbridge and associated ramp;
- Creation of 4 no. kiosks (Class A1/A3);
- Use of units 2A, 2B and 3 for Class A3 purposes;
- Erection of a standalone drive-thru restaurant unit (Class A3);
- Reconfiguration of car parking layout;
- Erection of 3m screen walling;
- Landscaping and public realm works and associated highways works.





The proposed scheme seeks to demolish all of the covered/ enclosed walkway running across the retail frontage and running through the centre of the building up to the entrance to of the ten pinning bowling unit. As part of this demolition all of the existing piazza units would be demolished, including the physical link with Plantasia. Four new kiosks would be retained/created on the eastern elevation of the Odeon Cinema for flexible Class A1 and A3 purposes. It is also proposed to demolish Unit 9 adjacent to Plantasia and partially demolish existing unit 3 and create a new external north western elevation for this unit.

In the areas created by the demolition, proposals provide for new areas of public realm. Upgrade works to the existing bridge over The Strand are also proposed as part of the public realm improvement works.

Broadly, the building structure of the remaining units in the north and south retail terraces and the leisure units would be retained and refurbished. This comprises recladding of key elevations including Quay Parade and the retail frontages; and repainting of secondary elevations such as the service yard areas.

A new 186 sqm standalone drive-thru restaurant (Class A3) unit is proposed within the existing car park towards the north east corner of the park.

With reference to the above plan, proposed uses are broken down as follows:

- Units 1, 5A, 5B, 6A, 6B, 6C, and 6D – to continue Class A1 Use;
- Units 2A, 2B, 3, and 8 (drive-thru pod) are proposed as Class A3 Use;
- Unit 4 (cinema) and 7 (bowling) to continue as Class D2 Uses;

- Kiosks 1, 2, 3 and 4 are proposed as Class A1/A3 Use.

#### *Site Description*

Known as Parc Tawe Phase 1, the application site comprises an area of 7 hectares located within the north eastern area of Swansea City Centre. The eastern boundary of the site comprises an established landscape bund fronting onto Quay Parade whilst the link road separates the application site from Parc Tawe Phase 2 to the north. Part of the western boundary fronts onto The Strand and backs onto the BT Tower site.

The park contains a mix of retail and leisure uses, including Plantasia, Odeon Cinema, Ten Pin Bowling, Toys R Us and Mothercare.

The retail and leisure offer are located within one building which is split into a number of separate units, occupying the western part of the site. The individual units are accessed via an internal walkway which runs along the eastern front edge of the building. The covered walkway also connects through the centre of the building to The Strand at ground floor level and the pedestrian footbridge over The Strand to the City Centre at first floor level. The retail and leisure units are serviced at the rear (west) from The Strand via two shared service yards. Plantasia is located adjacent to internal walkway kiosks and cinema in the centre of the site. The buildings front onto a large area of surface car park which is accessed from the northern perimeter of the site. A further small area of car parking is located in the north west corner of the site which is accessed from The Strand. A total of 830 car parking spaces are provided within the park. The service yard is located to the rear of the retail units, along the western edge of the site; it has two access points, both from the Strand.

The general environment of the park appears poor and run down.

#### *Material Planning Considerations*

The main material planning considerations in the determination of this planning application are set out as follows:

- Principle of development - compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Townscape and Visual Impact and Impact on Cultural Heritage
- Impact on residential amenity;
- Highways, traffic, car parking, access and pedestrian movements;
- Flood risk;
- Site drainage;
- Pollution Prevention and Ground Contamination;
- Impact on ecology.

Issues arising from the representations received are addressed throughout the report.

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

#### *Principle of development*

Planning permission was granted for Parc Tawe Retail Park in June 1987 under permission 2/1/87/0656/03 for a leisure and retail development including a multiplex cinema, ten pin bowling, A1 retail units, public toilets and fast food units.

In physical terms, the existing Park is now tired and suffers from a poor environment and building quality.

It is, in functional and locational terms, an edge of centre retail park. For the purposes of the City & County of Swansea Unitary Development Plan (UDP), however, the Park sits within the City Centre Action Area but outside of the defined retail core.

Within the City Centre, UDP Policy CC1 supports retailing and associated uses (Classes A1, A2, A3), offices (Class B1), housing (Class C3) and community and leisure uses (Classes D1, D2 and A3).

UDP Policy CC4 specifically relates to Parc Tawe and states that retailing (Classes A1, A3), leisure uses (Class D2), hotel (Class C1), residential (Class C3), education (Class D1), office uses (Classes A2, B1), and car parking will be appropriate in Parc Tawe Phase 1 (the application site). The amount of floorspace occupied by retailing and leisure uses is however restricted to not exceed 19,000 sq. m combined (gross internal). The policy also states that development on the frontage to The Strand/Quay Parade that provides increased activity at street level will be supported and opportunities to improve the quality of the area and its wider integration with the City Centre will be sought.

The amplification to the Policy recognises that the site is prominently located at a very important gateway to the City Centre where the area is expected to be redeveloped as a mixed use scheme, which could include some or all of the uses listed in Policy CC4. Accordingly it is explained that improvement and redevelopment initiatives will be pursued as opportunities arise. It is explained that redevelopment should firmly establish the gateway function of the site through appropriate architectural treatment, improved elevations and frontages, landmark buildings and a quality public realm.

Development and physical improvements are specifically sought on the Strand/Quay Parade frontages whilst respecting the regeneration initiatives arising from the rest of the City Centre. It is anticipated that this will help generate the activity and viability between Parc Tawe (Phase 1) and the rest of the City Centre.

Policy CC2 states that new retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged. The Policy places the highest priority on enhancing shopping facilities by means of the refurbishment and redevelopment of the City Centre retail core.

The policy is explicit in that retail development proposals that would be detrimental to objectives for the enhancement of the retail core will not be permitted. The amplification to the policy defines the St David's/Quadrant area as the highest priority for retail led redevelopment in the City Centre to achieve the necessary revitalisation of the retail core. It again is explicit in stating that the potential for bringing forward such a scheme must not be compromised.

Accordingly Policy CC3 specifically defines the St David's/Quadrant area as the area of highest priority for redevelopment in the City Centre and states that a comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. It is stated that any other retail based development, either within or outside the City Centre, will be evaluated against this aim. Again, it is further highlighted that development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or

would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.

The amplification to the policy explains that the St David's/Quadrant area has been identified as the key development opportunity to deliver the proposed refurbishment and enhancement of the retail core as a regional shopping destination. The regeneration of the St David's/Quadrant area is seen as crucial to reinforce the prime retail floorspace area within the City Centre and generate the critical mass necessary to achieve the aim of retail led regeneration at this location.

It is again highlighted as vital that proposals for this location are not compromised by other development schemes, either within the City Centre or elsewhere within the County. Development proposals at other sites that are considered likely to threaten the redevelopment and enhancement of the St David's/Quadrant area will be resisted, in the interests of maintaining the viability of the scheme and to secure the necessary revitalisation of the City Centre retail core.

This position is augmented further in the Swansea City Centre Strategic Framework (SCCSF), which was adopted as Supplementary Planning Guidance (SPG) in 2009. The SPG emphasises the importance of resisting developments that would prejudice redevelopment proposals being delivered at the priority St David's/Quadrant site within the defined city centre retail core, and identifies Parc Tawe as a 'complementary area' to the core area. The SPG makes it clear that retailing at Parc Tawe Phase 1 should be restricted to bulky goods provision that does not compete with the city centre core, and that unit sizes at the site should be maintained accordingly.

The position is also backed up by the technical evidence in the Strategic Insight Consultancy report entitled 'Review of Retail Capacity, Investment Potential and Strategy for the City & County of Swansea' (2013). The report findings highlight the need to direct significant new retail and leisure investment to the city centre core area and resist proposals that would undermine this key aim in the interests of securing the necessary revitalisation of the city centre at the heart of the City Region.

The Strategic Insight study concludes that Swansea city centre is currently failing in its retail and leisure offer with poorly configured retail space, a lack of complementary leisure opportunities, a dated environment and a relatively weak tenant profile. The Study identifies retail parks such as Park Tawe as a threat to this aspiration.

Counsel advice is that the Strategic Insight Study is a material consideration in the consideration of this application and, as an up to date assessment of the retail position in Swansea, it is something to which the Council is entitled to have regard. In this respect, it provides up to date and relevant information in the context of the protective aspirations of Policy CC2 and Policy CC3 and therefore regard can properly be had to its contents and conclusions.

It is clearly established therefore that a key objective of the UDP and adopted SPG is to reinforce and improve the city centre as a vibrant regional focus for business and administration, shopping, culture and leisure. The adopted policy framework sets out clearly defined planning objectives and aspirations for new retail and leisure development, focussed on protecting and enhancing the established core area of the centre. At the heart of this approach is the delivery of a comprehensive retail and leisure led, mixed use regeneration scheme within the city's retail core incorporating the St David's/Quadrant site.

Clearly therefore the support afforded for retail and leisure uses to remain at Parc Tawe, as described in Policies CC1 and CC4 does not override the protective policies set out in Policy CC2 and Policy CC3.

Policy EC4 of the UDP is also relevant to this application and states that the acceptability of all retail development proposals will be assessed against the need for the development, where this is relevant to determination. New retail development will also only be permitted where:

- I. The proposed site is the most sequentially preferable option,
- II. There would be no material adverse impact upon the attractiveness, vitality and viability of the City Centre and other established shopping centres,
- III. The proposal is compatible with the function, scale and character of the centre within or adjacent to which the site is located,
- IV. The site is accessible by foot, bicycle, public transport and car, and
- V. The scheme satisfactorily addresses design, environmental and highway considerations.

On the basis that the proposals would not give rise to any increase in the quantum of retail floorspace, there is no requirement to assess the retail 'need' of the scheme. Given that the proposals amount to a refurbishment of the existing buildings, as opposed to a comprehensive redevelopment of the site, that would not give rise to an overall increase in floorspace for retailing (Classes A1 and A3) and leisure uses (Class D2), the technical matter of the 19,000 sqm threshold being breached would not warrant refusal of the application.

Crucially however UDP policy does require that the applicant addresses the fundamental issues of impact upon the City Centre and the relationship of Parc Tawe with the most sequentially preferable/highest priority site within Swansea City Centre, which is located at St David's/Quadrant. These are not only tests of UDP Policies EC4 and CC3 but are also stipulated in Planning Policy Wales (Edition 6, 2014, para 10.3.1) as key considerations for all major retail proposals, whether a site is located within a defined centre or not.

Within this context, it is considered that the application seeks permission for such substantial improvements to be made to the retail park, as compared to that of the existing position, that there is potential for its nature and appeal to fundamentally change. In addition to providing space, convenience and flexibility, the appearance, building quality and public realm will change considerably. Therefore, it is not the proposed quantum of floorspace that is of most significance in considering the impact of the scheme, rather, it is the nature of the improvements being sought, which the evidence suggests could increase the attractiveness of the Park to existing and potential operators that may otherwise invest in the city centre core, drawing shoppers and trade away from the core area. It is of particular concern that occupiers of traditional city centre units (including high street fashion and footwear retailers and retailers of books, cosmetics and toiletries) will be attracted to the park, resulting in a shift of emphasis from the core retail area, trade leakage and the cannibalisation of future spend in the city centre core. The retention of such businesses within the city centre core, as well as the acquisition of new high street operators to this area not currently represented within the city, is critical to delivering the long awaited transformation of Swansea City Centre and securing its future as the commercial driver for the City Region.

Whilst assurances have been received from the applicant that the vision for the retail park is not that of a fashion park and that it is not the intention to target operators that would compete with the city centre core, it is important to note that a grant of planning permission will run with the land and the site could of course be sold to an investor with a very different investment strategy.

Therefore, on the basis of the above, legal advice received by the Council is clear in confirming that the Planning Authority is justified in treating the application as more than simply a minor cosmetic update to the park. The advice confirms that the Authority is entitled to look afresh at the planning constraints that ought reasonably and properly be imposed on the proposed development in order to mitigate future risk of Parc Tawe becoming a rival destination to accommodate occupiers that are more appropriately located within the city centre core.

In this respect, the 1987 permission is subject to conditions which prevent the sale of food and DIY products and which limit the quantum of retail and leisure uses to 19,000 sq metres gross internal area. Otherwise, it has few material trading restrictions and constitutes a relatively "open A1" consent.

It is however, open to the Council to impose conditions on any planning permission granted and on this issue Circular 35/95 (The Use of Conditions in Planning Permissions) states that, in considering whether a planning condition is necessary, the Council should ask itself whether planning permission would have to be refused if that condition were not imposed. In this respect, as detailed above, the significant qualitative improvement of the Park has the potential to draw occupiers and trade away from the city centre core, reducing footfall and spend and compromising the Council's priority regeneration proposals. The UDP is clear in Policies EC4, CC1 and, in particular, the protective policies of CC2 and CC3, that proposals which would put at risk the retail core and/or its future redevelopment, will not be supported, whether they are located in the city centre or not. This position is not overridden by the support for retail uses at the Park set out in Policy CC4.

It is considered therefore that the use of restrictive conditions is necessary in this instance as the aforementioned consequences of an unrestricted Class A1 and A3 planning permission would lead to unacceptable impacts on the city centre retail core, contrary to UDP Policies EC4, CC1, CC2 and CC3. Such harm to the city centre core indeed outweighs the endorsement of retail redevelopment set out in Policy CC4.

Conditions relating to the restriction of use are therefore considered necessary and justifiable in policy terms and are recommended to provide a robust protection of the city centre core. The restrictive conditions relate to:

- A maximum threshold for Class A1 floorspace;
- Restriction of Class A1 use to specified units;
- Preclusion of the sale of food, drink, clothing or footwear (excluding sportswear and children's clothing and footwear), fashion accessories (including jewellery), toiletries, cosmetics, pharmaceuticals, music or visual entertainment (including CDs and DVDs) from the specified Class A1 units.
- A maximum threshold for Class A3 floorspace;
- Restriction of Class A3 use to specified units;
- Restriction of permitted development rights for the change of use of specified units from Class A3 to A1;

- Restriction on the sub-division and amalgamation of units to prevent the creation of units which are attractive to traditional city centre retailers.

In considering the acceptability of the imposition of such conditions, regard has been had to the existing lawful fallback use of the retail park, which has a relatively open Class A1 planning permission. However, in this case the fallback position is a poor quality retail park that is considered unlikely to pose a substantial risk of trade draw from the city centre core.

For commercial reasons the applicant has stated that these conditions are unacceptable and in response has submitted the following additional information:

- Retail Impact Assessment;
- A report prepared by CBRE which considers the commercial aspects of the proposed development (as part of the Retail Impact Assessment); and
- A letter of legal advice covering the restrictive sale of goods condition and suitable mechanisms for achieving this purpose.

Having reviewed the supplementary material, there are a number of key themes which are considered to actually support the Councils' approach to date relating to the significant concern on the potential impact on the city centre core.

In relation to the future strategy/commercial positioning of Parc Tawe, the CBRE Report confirms a strategy of targeting large footprint retail users, competing with other retail parks that have open A1 consent outside the city centre. This clearly is of concern, as Morfa, Fforestfach and Trostre have all had a damaging impact on the city centre, and remain serious threats to it. The Councils' strategy has been to try and ensure Parc Tawe's proposals are complimentary with those for the core city centre.

In relation to the likely tenant interest for the average proposed unit size in the proposals, the CBRE Report confirms that high street type retailers such as Next, New Look, H&M, Zara, and River Island could be interested in the floorspace. Linked to the above, this reinforces the Councils' concerns on the proposals, and the justification for the approach it is seeking to adopt in restricting clothing and footwear operators.

Whilst CBRE caveat the commentary by stating they don't consider these retailers have a current requirement for more space in Swansea, and that these retailers aren't being targeted by the applicant (Hammerson), however, for the reasons set out above, this isn't the point. The Council needs to cater for the scenario where an alternative party could target such retailers, and/or that Hammerson or another site owner could revise their strategy/approach to Parc Tawe. The statement that these retailers have no requirements for Swansea is not accepted as it is known that a number of such retailers have a current in principle interest in significantly upsizing their space in Swansea.

Much is made in the report of the fact that the units being created have a larger floorspace format, not smaller like the existing city centre provision. This reaffirms the Councils concerns previously raised that it is this exact size of floorspace that is likely to be attractive to key fashion based multiple retailers, and which St David's is specifically seeking to accommodate.

No commentary is provided within the additional submission about the increased importance of leisure uses to fashion based shopping parks. In this respect, the proposed four Class A3 restaurants adjacent to an improved cinema and ten pin bowling centre will

directly assist in rendering the units attractive to high street retailers, and also therefore place additional pressure on undermining efforts to revitalise the core city centre.

Agreement to the 4 Class A3 restaurants would therefore demonstrate a significant concession/compromise on the part of this Authority.

The GL Hearn Report highlights the perceived lack of progress at St David's. Notwithstanding that this ignores Hammerson's key role in this project until it withdrew last Autumn, it is considered that St David's has made strong progress recently, under direct Council/Welsh Government Leadership.

In response to the critique offered of the FSP report, this piece of evidence is considered by the Council to be a sound piece of work examining the potential for development of the city centre retail offer and the threat that could be posed by certain proposals. FSP have accurately and robustly defined the catchment for Swansea City Centre. This catchment has a clear but limited potential from which retailers can derive additional sales. Whilst it could be argued that the Parc Tawe catchment may not coincide identically with the Swansea City Centre catchment, there is considered to be an undeniable overlap in catchments. Any increase in the strength of offer and therefore sales at Parc Tawe therefore has the impact of reducing the available spend for the St David's scheme to capitalise upon. Additionally, the availability of refurbished retail space provides an alternative for target retailers for the St David's scheme. Given the relatively limited list retailers that could combine to form as an anchor for the St David's scheme, there is potential for development at Parc Tawe to further impact on the viability of the St David's scheme.

On the basis of the foregoing, it is considered that the additional information submitted in support of the application reinforces the significant concerns regarding the adverse impacts of the proposal on the City Centre Core and in particular the redevelopment of St David's. Accordingly, it is considered that the planning controls outlined above remain necessary to make the development acceptable in planning terms.

As an alternative, the applicant's legal advisors has proposed mechanisms for ensuring that the proposed works at Parc Tawe would not impact upon the city centre or any future development proposals at St David's / Quadrant, without the use of restrictive planning conditions. This would be through naming retailers prohibited from occupying Parc Tawe either through a S106 Agreement or through a headlease, with the applicant's preference being through the headlease. It is proposed that such a list of retailers would be agreed between the applicant and the Council.

On this issue, the Council's own legal advice is clear in that placing a restriction on the range of goods to be sold at Parc Tawe by way of a condition (as set above) is considered in legal terms the most appropriate and effective means of protecting the city centre retail core, whilst at the same time allowing the redevelopment of the Retail Park. This approach is accepted practice and accords with national planning policy.

The advice states that it is open to the Planning Authority to exercise control through a section 106 agreement as an alternative to such a condition, however it highlights that this approach is inherently more uncertain as the retail market is increasingly in flux; an operator can change its name, the nature of the activities and strategies pursued by operators can change from time to time and new operators can enter the market.



The legal position is clear therefore that expressing controls on occupation by reference to a defined range of goods is a more robust and appropriate approach than relying on an exhaustive list of operators which is fixed in time.

In any case, the Council is further advised not to use a variation of the head lease for Parc Tawe to exercise these controls, for the following reasons set out below (unless this is done together with the section 106 agreement as a complementary mechanism):

- (i) This approach does not acknowledge the distinction between the Council in its role as landlord and the Council in its role as planning authority. It is important that those two roles are kept separate.
- (ii) This approach would set a precedent which could impact on other retail planning applications being pursued within the Council's area.
- (iii) The Council could decide (for overall real estate reasons) subsequently to dispose of its reversion to the lease, leaving it with no control over the operators who are trading at the Park.
- (iv) It may subsequently suit the Council from a property investment point of view to agree to a variation of the lease provisions, which would leave the Council exposed in its role as planning authority.
- (v) There would be significant procedural steps involved in securing a forfeiture of the lease if the lease restrictions are breached, whereas the process for enforcing a planning breach is quicker.

Notwithstanding the above, in an attempt to find a pragmatic solution that allows Parc Tawe to be upgraded, whilst critically safeguarding the revitalisation of the city centre core area, a compromise has been offered to the applicant with a list, as requested, of defined operators to be prohibited from occupying the retail park for a specified period of time. This list has been prepared in consultation with the Council's commercial advisors and all are considered potential targets for the city centre core scheme and therefore appropriate to feature in a section 106 agreement that would prohibit their trading at the Park.

In line with the legal advice received, the applicant has been advised that Council proposes that the list of operators that would be subject to restriction would feature on an amended lease for the Park, as well as the proposed section 106 agreement.

The Section 106 Obligation would then be used instead of the previously recommended condition that sought to restrict the sale of a defined range of goods.

In terms of the time restriction for the exclusion of operators, the Council has taken on board Hammerson's concerns that an in-perpetuity restriction would be unworkable, and that the time period should be based on a commercial appraisal of what is reasonable and justifiable in development terms. Further advice from our commercial advisors has therefore been sought to arrive at a reasoned position in this regard. This advice has confirmed that applying the exclusion for a period of less than 5 years from the date of the planning permission (as proposed by the applicant) is not sufficient to prevent Parc Tawe from competing with the city centre. A period of 12 years is considered a more relevant time period as this is akin to that of a typical retail lease and would protect the city centre in the short to medium term by preventing existing retailers leaving the retail core and/or new retailers to Swansea locating in Parc Tawe rather than the city centre. This is also

considered a reasonable time period to allow for the implementation of the proposed city centre retail core scheme, particularly by means of redevelopment of the St David's/Quadrant site, and the subsequent strengthening of the city's retail offer to take effect.

At the time of writing this report, no response has been received from the applicant to the above compromise. Therefore, in the absence of such agreement and on the basis that it is considered that the acceptability of the development in planning policy terms relies on the imposition of either the aforementioned conditions or Section 106 Obligation, the recommendation is presented to Members with the restrictive conditions.

### *Townscape and Visual Impact and Impact on Cultural Heritage*

In assessing townscape and visual impact and the impact on cultural heritage, specific regard must be had to Policies EV1, EV2, EV4, EV5, EV6, EV9 and CC5 of the Council's adopted UDP.

Policy EV1 UDP sets out the council's commitment to achieving high standards of design and layout in all new developments including the desirability of preserving the setting of any listed building.

Policy EV2 addresses the siting and location of new development and gives preference to the use of previously developed land over greenfield sites, having regard to the physical character and topography of the site and its surroundings.

UDP Policy EV4 states that where development and ancillary features impact on the public realm, designs should ensure that schemes integrate with areas to produce spaces and sequences that result in quality townscape and building frontages that actively engage with the public, are of human scale and provide effective surveillance resulting in spaces that are "people friendly" in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials.

Policy EV5 states that the provision of public works of art, craft or decorative features to enhance the identity and interest of major new developments or refurbishment schemes will be supported.

UDP Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings, and also unscheduled archaeological sites and monuments.

Policy EV9 states that development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

As detailed above, Policy CC4 specifically relates to Parc Tawe Phase 1 and aside from the land use issues states that development on the frontage to The Strand/Quay Parade that provides increased activity at street level will be supported and that opportunities to improve the quality of the area and its wider integration with the City Centre will be sought. The amplification to the policy highlights its prominent and important City Centre gateway location. The expectation is that the site would be redeveloped as a mixed use scheme and that improvement and redevelopment initiatives will be pursued as opportunities arise. It is explained that redevelopment should firmly establish the gateway function of the site through appropriate architectural treatment, improved elevations and frontages, landmark buildings and a quality public realm. It is further clarified that development and physical

improvements will specifically be sought on the Strand/Quay Parade frontages whilst respecting the regeneration initiatives arising from the rest of the City Centre. It is envisaged that this will help generate the activity and viability between Parc Tawe (Phase 1) and the rest of the City Centre. The amplification further explains that the Council would welcome a comprehensive redevelopment scheme at the earliest opportunity, particularly in view of the existing poor environment and building quality at Parc Tawe that currently presents a poor gateway to Swansea and contrasts badly with the adjacent urban form of the City Centre.

Policy CC5 states that the design of all new development schemes will be required to make a positive contribution to enhancing the City Centre's environment.

Furthermore, the Swansea City Centre Strategic Framework adopted Supplementary Planning Guidance (SPG) sets out a strategic vision for the Parc Tawe area to create a more urban place with a mix of uses as an extension to the city centre. Within this context, however the application is to retain the existing large format retail warehouse units and to re-clad/re-paint these, along with various works discussed below.

Significant improvements have been sought to the scheme both at pre-application stage and through determination of the application and the current is now described by the applicant as its 'best offer' in terms of what can be delivered commercially. The LPA therefore must decide whether the proposals have achieved enough in respect of the wider enhancements having regard to the stipulations of policy balanced against the commercial imperatives that the applicant has stated is limiting the scope of investment.

Whilst therefore, in overall terms the proposed re-cladding and alterations fall significantly short of the aspirations as outlined in the Swansea City Centre Strategic Framework, this is not to an extent whereby a reason for refusal could be justified having regard to the existing poor appearance of the park.

In this respect, Parc Tawe is a dated retail park environment, with covered external walkways, dated cladding and functional public realm. It is typical of an out of town format but is located directly alongside the city centre core and occupies a highly prominent gateway site.

Parc Tawe also interfaces with the city core on the Strand and this area also includes a number of heritage assets including Swansea Castle (grade I listed building and Scheduled Ancient Monument (SAM)), the site of the old castle (SAM), Castle Cinema (grade II listed) and the Wind Street Conservation Area.

The proposal is to upgrade the existing buildings via two means; re-cladding of key elevations including Quay Parade and the retail frontages; and repainting of secondary elevations such as the service yard areas.

The re-cladding to the retail unit frontages would predominantly comprise anthracite panels with contrasting grey panels to frame the unit entrances, with double height areas of glazing to the sides of the entrances. This is considered acceptable and typical of contemporary retail park vernacular. Along with the removal of the existing walkways, the proposal would result in improved legibility to the retail units.

The signage is proposed to be accommodated in a large scale grey frame that rises above the doors and projecting entrance canopy to break the parapet level. Whilst these signs are large scale, they are considered appropriate to the retail park environment and the

height breaks up the horizontal form of the building. The grey frames will provide a controlling framework for the signage and will ensure continuity between different occupiers. (Precise signage details will require separate advertisement consent.)

Overall, it is considered that the design rationalisation and use of materials to the retail frontages would amount to a significant improvement to the existing position; although it should be noted that the significant uplift would largely arise due to the very poor starting position.

The proposal is to re-clad the elevation facing Quay Parade with a series of staggered 'saw tooth' copper coloured panels split by vertical lighting areas. Whilst this is not an 'active frontage' treatment and no new windows are proposed, it will however go some way to break up and enliven this prominent key elevation which forms part of the arrival gateway into Swansea and which presently presents a blank unattractive façade.

In elevation terms, The Strand element of Parc Tawe essentially comprises a blank elevation to the ten pin bowling use, a ground floor entrance and a bridged first floor entrance to a bricked turret style structure. For this elevation it is proposed to introduce a band of lower level cladding to approximately three quarters of the width of the building with the remainder of the cladding repaired and repainted. Glazed infill panels are proposed to the existing colonnade incorporating new entrance doors. Other works include new signage and landscaping, including climbing plants.

Whilst the improved street level entrance to The Strand that glazes the existing colonnades and the low level re-cladding is welcomed to improve the appearance and legibility, the proposal to paint the existing high level cladding is not considered sufficient given the prominence of this key elevation in relation to the city core and the relationship to heritage assets. Therefore it is considered that the enhancement of the Strand elevation fails to meet the requirements of aforementioned Parc Tawe Policy CC4. The upper area of cladding which is proposed to be painted is especially visible given the elevated nature of the pedestrian bridge as it crosses The Strand. Therefore it is considered that this area should be treated with a similar quality of re-cladding and architectural enhancement as per the Quay Parade. It is recommended therefore that this area should be excluded from any detailed approval and a condition imposed requiring details of the enhancement to the Strand elevation to be agreed.

The Class A3 restaurant frontage elements of the proposal are differentiated through horizontal cladding 'planks' above the glazing area with canopies to create a higher level of visual interest, shelter and human scale to these more active areas.

The Odeon cinema layout internally remains as existing with the entrance facing south onto the linkage to the Strand. This elevation would be opened up by the demolition of the existing covered walkway/courtyard area and it is proposed to utilise a combination of both the cladding proposed for the retail units and the restaurant uses. It is also proposed to introduce a green wall for part of the otherwise blank elevation. The newly exposed blank east elevation of the cinema facing Plantasia is proposed to be broken up and enlivened by four proposed kiosk units opening onto the public realm. This approach is visually considered acceptable.

The proposal to repaint the secondary elevations onto the service areas is also considered acceptable.

The plans propose 5m high green growing walls in a number this area and this could make a contribution to the concept of greening the city. The details of this treatment can be conditioned and will need to include requirement for the green growing wall to be maintained in perpetuity.

Within the site, the initial proposal is to retain Plantasia and demolish the former adjoining restaurant to the north (Unit 9). This would create a new area of public realm and the solid masonry gable to Plantasia that would be exposed is proposed to be re-clad in a combination of anthracite and multi-coloured rainscreen panels with ground level living green wall. This new area of public realm would however be shaded by the Plantasia structure and will not be well used, plus the height of the gable make it very dominant in this space. It is also considered that more could be done to enhance the exposed gable and break down the perceived scale. It is recommended therefore that the final details of this elevation be controlled by way of condition.

As part of this proposal to remove the roof over the covered courtyard, a stand alone entrance kiosk to Plantasia would be created which is welcomed to improve the entrance legibility especially when approaching from the link to the city core. This would be re-clad in a similar manner to the proposed restaurant/café units and would benefit from glazed canopies that could shelter spill out from the existing café.

Within the main car park area a single storey drive through restaurant pod is proposed close to Parc Tawe link road. The design is contemporary with a curving roof, exposed structural timbers and large areas of glazing. It is considered appropriate design within the car park area and will create a minor point of interest along Parc Tawe Link Road. It is considered that the proposal will have no effect on the gateway nature of the Quay Parade frontage to the site.

A significant change proposed within the site, is the opening up of the public walkways which are currently enclosed and covered and present a dated and poor quality environment. It is considered that their removal will improve the public realm and will make the retail warehouse entrances more legible.

It also means that the area between the Odeon and Plantasia will become external, creating a more welcoming and pleasant space that will open up some visual connectivity to the city centre. However the enclosure to the ground floor link and ramp and steps up to the first floor pedestrian bridge will remain, so this route will not become completely external.

Much of this east west pedestrian link abuts the service yard vehicle access with the BT tower car park beyond, so it is considered important that the southern boundary is high quality and robust. This is primarily proposed to be achieved with a green screen wall. Whilst this is considered acceptable in principle, a condition will be necessary to ensure retention/management in perpetuity and to ensure that there is a suitable backing to stop unwanted views through to the service areas beyond.

As part of the upgrade, it is proposed to upgrade the existing functional public realm. Whilst the details can be conditioned, the general strategy is to use good quality concrete products and resin bonded gravel. A public art element is also proposed in the form of a 'floor map' which highlights the fact that the Parc Tawe site lies over the original course of the River Tawe and a major part of the docks.

The drawings indicate that the bund alongside Quay Parade is to be retained. This is welcomed to ensure that the parked cars continue to be screened and it is accepted that the planting to the bund will be refreshed as part of the application. This will need to include trees and low level planting that compliment the Boulevard project that is currently on site along Quay Parade and this can be controlled by condition.

The proposal is to enhance the existing pedestrian bridge over the Strand. This is a key pedestrian connection between the site and the city core and the quality of the current link is poor. The proposal is to remove the roof covering to make the bridge open air and to simplify the structure. It would then be repainted and enhanced by a lattice of tension wire balustrading and a lighting scheme. These cosmetic enhancements are considered by be acceptable.

With regard to the designated heritage assets in the area, as the proposal is for enhancement of the existing buildings, the impact on Swansea Castle, Castle Cinema and The Wind Street Conservation area is considered to be neutral. The existing building forms will remain and the new materials/ colours are appropriate in the heritage context. It is considered that the stripping back of the pedestrian bridge will improve the views to Swansea Castle and the Castle Cinema.

Whilst in overall terms the proposed re-cladding and alterations fall significantly short of the aspirations for Parc Tawe as set out in UDP Policy CC4 and the Swansea City Centre Strategic Framework, this is not to an extent whereby a reason for refusal could be justified having regard to the existing poor appearance of the park. Within this context it is considered that the proposals will significantly enhance the appearance of the retail park buildings and public realm and as such comply with the provisions of UDP Policies EV1, EV2, EV4, EV5, EV9 and CC5 of the Council's adopted UDP.

In terms of archaeology, Glamorgan Gwent Archaeological Trust has advised that the area is close to the centre of the early settlement area of Swansea, near to the castles and the river, which would have been the centre of the sea trade.

The archaeological work undertaken in support of this application shows that three trenches were opened in the area of the proposed new building (Unit 8). All of these showed a depth of concrete and tarmac that overlay a depth of rubble comprising stone and brick and other materials. It is likely that this layer represents the re-deposition of rubble from the bombing of Swansea during World War 2, when buildings were demolished and the remains spread over many areas of the city, and archaeological work has encountered this in different areas. The masonry wall remains encountered in Trench 3 is likely to be the edge of the Albion Dock; it is on the correct alignment and of a substantial and mortared nature unrelated to the looser rubble which forms the matrix around it. The depth of this beneath the current ground level is likely to ensure its preservation in-situ, as it is approximately 3m below ground level. Taking these results into account, it is unlikely that any archaeological remains encountered would be of sufficient importance to warrant further evaluation; the results also provide sufficient information to recommend the attachment of a condition for the development, which can be mitigated by ensuring the ground disturbing work is done under archaeological supervision.

Glamorgan Gwent Archaeological Trust concluded therefore that mitigation can be achieved by undertaking the groundworks under archaeological supervision, and with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed. A condition is therefore

recommended requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation.

Subject to the imposition of such a condition, it is considered that the proposal would be in accordance with UDP Policy EV6, which seeks to preserve the archaeological resource.

#### *Impact on residential amenity*

As stated above, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. Criteria (iii) is that the development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

Whilst new residential development has been introduced to the context of the site since its approval in the late 1980's at Castle Buildings and the Urban Village, it is not considered that the proposals will materially change the impacts on residential amenity other than in the potential to increase traffic movements to a more attractive retail park. This, however, would not be to an extent whereby unacceptable conflict with UDP Policy EV1 would arise. Furthermore, the Council's Pollution Control & Public Health Division has requested conditions relating to any new plant and fume extraction to protect existing and future residents as well as the amenity value of users of neighbouring commercial premises.

#### *Highways, traffic, car parking, access and pedestrian movements;*

UDP Policy AS1 requires new development associated with housing, employment, shopping, leisure and service provision to be located in areas that are currently highly accessible by a range of transport modes whilst Policy AS2 states that new developments should be designed to:

- I. Promote the use of public transport and facilitate sustainable travel choices,
- II. Provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport,
- III. Allow for the safe, efficient and non intrusive movement of vehicles, and
- IV. Comply with the principles of accessibility for all.

Policy AS4 seeks to encourage the creation or improvement of public access routes whilst Policy AS5 states that development proposals will be required to consider the access requirements for pedestrians and cyclists and, where necessary, provide appropriate facilities and/or infrastructure to encourage their use. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking, including motorcycles and cycles.

Similarly, UDP Policy EV3 requires new development and alterations to existing buildings to provide access and facilities for all, provide satisfactory car parking, contribute to high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and to be accessible to pedestrians, cyclists and users of public transport.

Eleven existing pedestrian access points are provided from Quay Parade, Parc Tawe Link Road and The Strand. The supporting Design and Access Statement states that pedestrian access to and through the site would be improved by:

- Refurbishing the high level bridge over The Strand;

- Providing a safe road crossing point to the Strand;
- Improving directional signage;
- Improving external lighting;
- Opening up views through the building;
- Improving footways;
- Opening up building frontages; and
- Providing clearly defined pedestrian routes through the site.

It is considered therefore that existing pedestrian linkages into and through the Parc Tawe will be improved and so to will the legibility of the such linkages and that of the commercial units.

The site is located within the City Centre Action Area and as such is close to good public transport links and is also in close proximity to the National Cycle Network route which runs along side the River Tawe.

The main access junction for customer vehicular traffic is off Parc Tawe Link Road via a signal controlled junction. No changes are proposed to this access junction, which will continue to operate as existing.

Servicing access is currently provided from two separate priority junctions off The Strand and these are also being retained.

A transport statement has been submitted in support of the application to consider the impact of the proposal on parking and traffic.

At present, the main customer car park to the east of the buildings has 776 spaces, whilst the customer car park accessed from The Strand has a further 54 spaces. Parc Tawe therefore currently has a total of 830 customer parking spaces and 44 of these are suitable for disabled users. The car parks operate a 3 hour maximum stay and whilst there are signs indicating car parking management and charging, this is presently not in operation. There are also 81 existing staff spaces.

In overall terms, the proposed development would result in an overall loss of car parking of 24 spaces customer spaces to 806 and 27 staff spaces to 54. Disabled parking (39 spaces) is shown at 6% of the total car parking numbers and motor cycle parking (21 spaces) is also included at 3% of the total car parking numbers. There is also a proposal to upgrade the existing cycle parking facilities to provide 75 cycle parking stands located in a number of areas along the retail frontage.

A dedicated coach parking facility is proposed outside Plantasia to accommodate school/day trips. As such a facility does not presently exist, this would be beneficial in terms of health and safety for visiting parties.

It is also proposed to introduce measures to better manage car parking and ensure that capacity is available in the future. Measures proposed include better enforcement of existing parking restrictions including using ANPR technology to reduce down the number of vehicles exceeding the three hour time limit.

On the basis of the sustainable location, improved cycle parking provision and the requirement to agree precise details of a car parking management plan by way of condition to ensure that the parking provision is being properly managed and contained within the site, it is considered that the loss of existing car parking provision is acceptable.



Moreover, the transport statement concludes that there will not be a material traffic impact on the surrounding road network. The Head of Highways and Transportation therefore raises no highways objection to the proposal subject to the conditions relating to cycle/motorcycle and disabled parking being provided prior to beneficial use, precise details of the refurbishment of the footbridge, improvements to the existing pedestrian crossing between the site and Parc Tawe Link Road, the installation of a new at grade pelican crossing on the Strand and the provision of a car parking management plan and travel plan to be implemented prior to beneficial occupation of any of the units.

Subject to the imposition of the aforementioned conditions, it is considered that the proposal would be in accordance with UDP accessibility Policies AS1 (new development proposals), AS2 (design and layout), AS4 (public access routes), AS5 (walking and cycling), AS6 (parking) and EV3 (accessibility).

### *Flood risk*

UDP Policy EV36 states that new development within flood risk areas will only be permitted where it can be demonstrated that its location is justified and that the consequences associated with flooding are acceptable.

The application site lies within zone C1 as defined by the development advice map referred to under TAN15: Development and Flood Risk (areas of the floodplain which are developed and served by significant infrastructure, including flood defences). NRW Flood Map information also confirms the site to lie within the 1 in 1000 year probability flood outline.

Natural Resources Wales recognise however that the application is in the most part for the alteration and refurbishment of an existing building which houses mixed A1/A3 use and is therefore considered to be low vulnerability under TAN15. Natural Resources Wales is satisfied that a flood consequences assessment is not required in this instance, however it is advised that the developer should be made aware of the potential flood risk to the site. Natural Resources Wales also recommend that appropriate signage should be erected within the building and car parking area to make users aware of the risk of flooding and the actions and/or evacuation procedures to be followed during an extreme event.

In addition, NRW recommend that the developer incorporate flood resilience measures as part of the refurbishment works.

Subject therefore to the imposition of informatives to the above effect, it is not considered that the proposal would conflict with the provisions of UDP Policy and EV36.

### *Site drainage*

In terms of drainage, whilst Natural Resources Wales acknowledge that the existing system will be used, it is recommended that if there are any opportunities to install some sustainable drainage techniques (SUDS) to manage surface water then this should be taken.

No objection has been received from Welsh Water subject to conditions relating to surface and foul water drainage. Subject therefore to such conditions, it is considered that the proposal would accord with UDP Policies EV33, and EV35, which relate to sewage disposal and surface water run-off respectively.

### *Contaminated land and pollution prevention*

This site is considered brownfield land and it is possible that past uses have led to contamination. However, given the nature of the proposal Natural Resources Wales is satisfied that a full site investigation is not needed in this instance. However as a minimum, to ensure there is no risk of pollution to controlled waters from any contamination that may be present, Natural Resources Wales request that a condition to deal with any unforeseen contamination be included on any permission granted.

The same condition is requested by the Council's Pollution Control Division along with a condition relating to new or replacement ventilation/fume extraction systems, new or replacement external plant/machinery and the provision of a Demolition/Construction Site Management Plan. Informatives are also requested in respect of construction noise, smoke/burning of materials, dust control and lighting.

Similarly, Natural Resources Wales has highlighted concerns that construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are made for dealing with dust pollutions, surface water management and waste storage during the demolition and external alteration/construction works.

Natural Resources Wales advise that it is therefore important that appropriate pollution prevention measures are in place during the length of the project and on this basis it is recommended that a condition be imposed to any planning permission granted to require the developer to produce a detailed construction management plan (CMP), which provides full details of the measures in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters.

Furthermore, as demolition works are included as part of this proposal, Natural Resources Wales recommend that a site waste management plan is also required by way of condition.

Subject therefore to the imposition of conditions and informatives as set out above, it is considered that the proposal would be in accordance with UDP Policies EV34 (protection of controlled waters), EV38 (contaminated land) and EV40 (air, noise and light pollution).

### *Ecology*

The application is supported by an Ecological Building Inspections report that concludes that the retail units are considered to be of negligible value to roosting bats and therefore the refurbishment works are unlikely to have any adverse impacts.

No evidence of active nesting birds was recorded at the retail units during the inspection. However, given the signs of bird usage at the site, within the two delivery bays, it is recognised as possible that birds present within the local vicinity of the site may begin to nest during the breeding bird season. Therefore any works undertaken during this time could impact upon nesting birds which have arrived at the retail units subsequent to the undertaking of this assessment. Therefore if the proposed works commence between March to August, the report recommends that an ecologist undertakes an inspection for nesting birds immediately prior to the works commencing.

In response, Natural Resources Wales is generally supportive of the conclusions and recommendations made within Ecological Building Inspections report but advise that

although the retail units are considered to be of negligible value for roosting bats, the applicants should be reminded that if any bats are encountered during works, the development must stop immediately and NRW contacted for further advice.

A condition and informative relating to bats and birds are therefore recommended as a suitable response to this application and to the Authority's duties under the Natural Environment and Rural Communities (NERC) Act 2006.

### *Conclusions*

This report examines in detail the relevant planning policy issues that go to the heart of this planning application and it is clearly established that a key objective of the UDP and adopted SPG is to reinforce and improve the city centre as a vibrant regional focus for business and administration, shopping, culture and leisure. The adopted policy framework sets out clearly defined planning objectives and aspirations for new retail and leisure development, focussed on protecting and enhancing the established core area of the centre. At the heart of this approach is the delivery of a comprehensive retail and leisure led, mixed use regeneration scheme within the city's retail core incorporating the St David's/Quadrant site.

Within this context, it is considered that the application seeks permission for such substantial improvements to be made to the retail park, as compared to that of the existing position, that there is potential for its nature and appeal to fundamentally change. In addition to providing space, convenience and flexibility, the appearance, building quality and public realm will change considerably. ,

Up to date evidence provides a clear steer that the nature of the improvements being sought could increase the attractiveness of the Park to existing and potential operators that may otherwise invest in the city centre core, drawing shoppers and trade away from the core area. It is of particular concern that occupiers of traditional city centre units (including high street fashion and footwear retailers and retailers of books, cosmetics and toiletries) will be attracted to the park, resulting in a shift of emphasis from the core retail area, trade leakage and the cannibalisation of future spend in the city centre core. The retention of such businesses within the city centre core, as well as the acquisition of new high street operators to this area not currently represented within the city, is critical to delivering the long awaited transformation of Swansea City Centre and securing its future as the commercial driver for the City Region.

Within this context, legal advice received by the Council is clear in confirming that the Planning Authority is justified in treating this application as more than simply a minor cosmetic update to the park. The advice confirms that the Authority is entitled to look afresh at the planning constraints that ought reasonably and properly be imposed on the proposed development in order to mitigate future risk of Parc Tawe becoming a rival destination to accommodate occupiers that are more appropriately located within the city centre core.

It is considered therefore that the use of restrictive conditions is necessary in this instance as the aforementioned consequences of an unrestricted Class A1 and A3 planning permission would lead to unacceptable impacts on the city centre retail core, contrary to UDP Policies EC4, CC1, CC2 and CC3. Such harm to the city centre core outweighs the endorsement of retail redevelopment set out in Policy CC4.

In considering the acceptability of the imposition of such conditions, regard has been had to the existing lawful fallback use of the retail park, which has a relatively open Class A1 planning permission. However, in this case the fallback position is a poor quality retail park that is considered unlikely to pose a substantial risk of trade draw from the city centre core.

For commercial reasons the applicant has stated that these conditions are unacceptable and as an alternative, the applicant's legal advisors has proposed mechanisms for ensuring that the proposed works at Parc Tawe would not impact upon the city centre or any future development proposals at St David's / Quadrant, without the use of restrictive planning conditions. This would be through naming retailers prohibited from occupying Parc Tawe either through a S106 Agreement or through a headlease, with the applicant's preference being through the headlease. It is proposed that such a list of retailers would be agreed between the applicant and the Council.

On this issue, the Council's own legal advice is clear in that placing a restriction on the range of goods to be sold at Parc Tawe by way of a condition is considered in legal terms the most appropriate and effective means of protecting the city centre retail core, whilst at the same time allowing the redevelopment of the Retail Park.

Legal advice though is that it is open to the Planning Authority to exercise control through a section 106 agreement as an alternative to such a condition, however it is highlighted that this approach is inherently more uncertain as the retail market is increasingly in flux.

In an attempt therefore to find a pragmatic solution that allows Parc Tawe to be upgraded, whilst critically safeguarding the revitalisation of the city centre core area, a compromise has been offered to the applicant with a list, as requested, of defined operators to be prohibited from occupying the retail park for a specified period of time. The Section 106 Obligation would then be used instead of the previously recommended condition that sought to restrict the sale of a defined range of goods.

At the time of writing this report, no response has been received from the applicant to the above compromise. Therefore, in the absence of such agreement and on the basis that it is considered that the acceptability of the development in planning policy terms relies on the imposition of either the aforementioned conditions or Section 106 Obligation, the recommendation is presented to Members with the restrictive conditions.

In consideration of design issues in isolation, in overall terms the proposed re-cladding and alterations fall significantly short of the aspirations for Parc Tawe as set out in UDP Policy CC4 and the Swansea City Centre Strategic Framework. However, this is not to an extent whereby a reason for refusal could be justified having regard to the existing poor appearance of the park. Within this context it is considered that the proposals will significantly enhance the appearance of the retail park buildings and public realm and as such comply with the provisions of UDP Policies EV1, EV2, EV4, EV5, EV9 and CC5 of the Council's adopted UDP.

With regard to the designated heritage assets in the area, as the proposal is for enhancement of the existing buildings, the impact on Swansea Castle, Castle Cinema and The Wind Street Conservation area is considered to be neutral. The existing building forms will remain and the new materials/ colours are appropriate in the heritage context. It is considered that the stripping back of the pedestrian bridge will improve the views to Swansea Castle and the Castle Cinema.

Whilst new residential development has been introduced to the context of the site since its approval in the late 1980's, at Castle Buildings and the Urban Village, it is not considered that the proposals will materially change the impacts on residential amenity.

No objection has been received from the Head of Highways and Transportation and subject to the imposition of the aforementioned conditions, it is considered that the proposal would be in accordance with UDP accessibility Policies AS1, AS2, AS4, AS5, AS6 and EV3.

Subject to the imposition of conditions no objections have been received from the Council's Pollution Control & Public Health Division, Glamorgan Gwent Archaeological Trust, Natural Resources Wales or Welsh Water. Subject therefore to the imposition of those conditions, it is considered that the proposal would be in accordance with UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters), EV35 (surface water run-off), EV36 (flood risk), EV38 (contaminated land) and EV40 (air, noise and light pollution).

Approval is therefore recommended.

## **RECOMMENDATION**

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

- 1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions (unless otherwise agreed in writing by the Local Planning Authority) prior to any part thereof being brought into beneficial use.

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 Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A1 at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024) shall not exceed 12,000 sq metres (gross internal area).

Reason: In accordance with UDP Policy CC4, to protect the vitality and viability of the city centre retail core and to ensure that the scale of development does not undermine the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 3 Use Class A1 at Parc Tawe Phase 1 shall be accommodated solely within Units 1, 5A, 5B, 6A, 6B, 6C, 6D, K1, K2 and K3 hereby permitted (as defined on submitted Site Plan 9485 P-024 D) and within no other unit at the site.

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 4 Notwithstanding Condition 2, Units 1, 5A, 5B, 6A, 6B, 6C, 6D hereby permitted at

Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 D) must not be used for the sale of food, drink, clothing or footwear (excluding sportswear and children's clothing and footwear), fashion accessories (including jewellery), toiletries, cosmetics, pharmaceuticals, music or visual entertainment (including CDs and DVDs).

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A3 at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024) shall not exceed 1,300 sq metres (gross internal area).

Reason: In accordance with UDP Policy CC4, to protect the vitality and viability of the city centre retail core and to ensure that the scale of development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 6 Use Class A3 at Parc Tawe Phase 1 shall be accommodated solely within Units 2A, 2B, 3, 8, K1, K2 and K3 hereby permitted (as defined on submitted Site Plan 9485 P-024 D) and within no other unit at the site.

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 7 Units 2A, 2B, 3 and 8 hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 D) shall be used exclusively for uses in Class A3 and for no other purpose (including any other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In accordance with UDP Policies CC2 and CC3, to ensure an appropriate mix of food and non-food units at the development and to ensure that the scale of development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 8 The units hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024) must not be sub-divided or further amalgamated without the prior approval of the Local Planning Authority.

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

- 9 Unless otherwise agreed in writing, no development shall take place to Unit 8 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.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the details shown on any approved plan, samples of all external finishes, (including new shop fronts, doors and external security measures) and repainting of existing cladding and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development.

Reason: In the interests of visual amenity.

- 11 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, the final design and treatment of the western elevation of Unit 7 (ten pin bowling alley) and Parc Tawe entrance from The Strand elevation shall be improved to include cladding to the areas currently proposed to be repaired and repainted) in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of visual amenity.

- 12 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, the final design and treatment of the newly exposed western and north western elevations to Plantasia shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of visual amenity.

- 13 Unless otherwise agreed in writing by the Local Planning Authority, the living green walls to the southern elevation of Unit 4, the north western elevation of Plantasia and to the northern edge of the service access road, shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted scheme shall address matters of maintenance and future redress to any failing elements as well as backing details to the freestanding wall to ensure no views through to the service yard.

Reason: In the interests of visual amenity.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, following practical completion of Unit 8, beneficial occupation shall not commence until a 'Post Construction Stage' assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' and 6 Credits under Ene1 has been achieved.

Reason: To mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with the design, construction and use of the

development.

- 15 Notwithstanding the details shown on any approved plan, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping scheme shall include details of the public art features and new and improved areas of public realm along with timescales for implementation. 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 and to accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.

- 16 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, the landscaping bund to Quay Parade shall be retained at its current height. The existing trees and vegetation and any new planting within the bund shall be retained in perpetuity (except where expressly authorised by the landscaping scheme).

Reason: To ensure that the site is satisfactorily landscaped and to provide screening to the surface car park from this highly prominent and important gateway location.

- 17 No trees, shrubs or vegetation within the application site shall be removed, felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority. Any trees, shrubs or vegetation removed without such authorisation, or dying, or being seriously damaged or diseased during the implementation of the development shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

- 18 Unless otherwise agreed in writing by the Local Planning Authority, a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

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

- 19 The development shall be implemented in accordance with the recommendations of Waterman Parc Tawe, Swansea - Ecological Building Inspections Report (EED13992-100\_R\_1\_1\_2\_LM).

Reason: In the interests of ecology.

- 20 Unless otherwise agreed in writing by the Local Planning Authority, the cycle, motor cycle and disabled parking shall be laid out in accordance with the approved plans prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.

Reason: In the interests of highway safety.



- 21 Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of refurbishment works to the existing footbridge linking the site to Worcester Place, a scheme for the containment of any debris to ensure that the Strand is properly protected, shall be submitted and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
- 22 The existing at grade pedestrian linkages between the site and Quay Parade shall be widened in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: To improve pedestrian and cyclist permeability.
- 23 Unless otherwise agreed in writing by the Local Planning Authority, the new at grade pelican crossing on the Strand (as per Vectos drawing 131086/A/05) shall be completed under a section 278 Agreement with the Highway Authority prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of highway safety.
- 24 Unless otherwise agreed in writing by the Local Planning Authority, the development shall operate in accordance with a car parking management plan to be submitted to and agreed in writing prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of sustainability and to ensure that the parking provision is being properly managed and contained within the site.
- 25 Unless otherwise agreed in writing by the Local Planning Authority, the development shall operate in accordance with a Travel Plan to be submitted to and approved in writing prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 26 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of demolition or 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.

The development shall be implemented in accordance with the approved CPMP.

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

- 27 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with a site waste management plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To assist the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

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

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

- 29 Any new or replacement ventilation/ fume extraction systems shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the associated premises are occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of general amenity.

- 30 A scheme for protecting the any nearby retail/ domestic premises from noise generated by any new or replacement external plant/machinery shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the associated Unit(s). The scheme shall demonstrate that the combined noise levels from all such plant units measured as an LAeq (1hour) will meet Noise Rating NR50. The assessments will be made at 1 metre from the facade of the closest retail/ domestic premises. Such works that form part of the approved scheme shall be completed before the associated premises are occupied and thereafter properly maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing and future and residents and other commercial

operators from noise disturbance from the plant servicing the proposed development.

- 31 Unless otherwise agreed in writing by the Local Planning Authority, no development approved by this permission shall be commenced until a detailed drainage scheme for the site showing how any new or updated foul water, surface water and land drainage will be dealt with has been submitted to and approved by the Local Planning Authority. The drainage scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 32 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 33 No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

- 34 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 35 The development site is crossed by a 1650mm public combined sewer as marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Unless otherwise agreed in writing by the Local Planning Authority, no part of the building will be permitted within 8 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

## **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: CC1, CC2, CC3, CC4, CC5 EC4, EV1, EV2, EV3, EV4, EV5, EV6, EV9, EV33, EV34, EV35, EV36, EV38, EV40, AS1, AS2, AS4, AS5 and AS6.

- 2 Items g - j inclusive of the Construction Pollution Management Plan (CPMP) condition need to take particular account of the potential for statutory nuisance arising from the site related activities set out below. If, during the writing of the CPMP, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600.

- 3 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.

- 4 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.

- 5 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.

- 6 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](http://www.ile.org.uk) ] recommendations.

- 7 The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development), e-mails to : [jim.marshall@swansea.gov.uk](mailto:jim.marshall@swansea.gov.uk) or the Team Leader , e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091.

- 8 The application site lies within zone C1 as defined by the development advice map referred to under TAN15: Development and Flood Risk (July 2004). The NRW Flood Map information also confirms the site to lie within the 1 in 1000 year probability flood outline.

Natural Resources Wales recommend that appropriate signage should be erected within the building and car parking area to make users aware of the risk of flooding and the actions and/or evacuation procedures to be followed during an extreme event. The applicant/developer is referred to Appendix 6 of TAN 15 in this regard, which outlines relevant Health and Safety Act duties.

In addition, Natural Resources Wales recommends that the developer incorporate some flood resilience measures as part of the refurbishment works. This could include resilient walls, floors, doors, electric wiring etc. Further information on flood proofing can be found in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

9 Guidance for site waste management plan is available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)). Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with Natural Resources Wales. More information on relevant waste exemptions can be found on our website; [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

10 Birds may be present at this site. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

11 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation (Natural Habitats & c.) Regulations 1994. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance, work should cease immediately and the advice of Natural Resources Wales sought before continuing with any work.

12 If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

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

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage

system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

continued

Welsh Government. Further information on the Welsh Ministers Standards, which was introduced the Welsh Ministers Standards on the 1st October 2012 is available for viewing on the DCWW Developer Services Section of website - [www.dwrcymru.com](http://www.dwrcymru.com).

The proposed development is crossed by a trunk/distribution watermain. DCWW as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult DCWW before any development commences on site.

## **PLANS**

9485-D-001D, 9485-D-002, 9485-D-003D, 9485-D-013F, 9485-E-002G, 9485-E-003G, 9485-E-007E, 9485-E-011H, 9485-E-013C, 9485-E-014G, 9485-E-015B, 9485-E-019D, 9485-E-020A, 9485-E-022A, 9485-E-023A, 9485-E-025A, 9485-E-026, 9485-P-001C, 9485-P-002, 9485-P-017C, 9485-P-019, 9485-PH-001C, 9485-PH-002, 9485-PH-003, 9485-PH-006A, 9485-PH-007, 9485-PH-008, 9485-PH-009B, 9485-PH-0016B, 9485-PH-0019A, 9485-PH-020A received 29th January 2014, 9485-E-005B, 9485-E-006C, 9485-P-006H, 9485-P-018B received 28th May 2014, 9485-E-016D, 9485-E-017D, 9485-P-016F, 9485-P-024D received 24th June 2014

# Agenda Item 9

## Report of the Head of Economic Regeneration & Planning

Development Management and Control Committee – 14 August 2014

### REPORT ON PERFORMANCE

<b>Purpose:</b>	To report on the performance of the Council's Planning Control Service against its set performance indicators
<b>Policy Framework:</b>	The Wales Audit Office Annual Improvement Report Recommendations; the Council's Corporate Improvement Plan; the Council's Policy Commitments
<b>Reason for Decision:</b>	To ensure the delivery of a performance focused Planning Control Service
<b>Consultation:</b>	Legal, Finance.
<b>Recommendation(s):</b>	
<b>Report Author:</b>	Ryan Thomas
<b>Finance Officer:</b>	N/A
<b>Legal Officer:</b>	N/A

#### 1.0 Introduction

1.1 This report contains the performance data for the Council's Planning Control Service for the municipal year 2013/14. The service areas reported on are:

- the Application service & customer satisfaction;
- the Appeals Service; &
- the Enforcement Service.

#### 2.0 Background

2.1 The performance indicators (PIs) that the service is judged against were set in December 2009 when the Council considered the findings of a report by the Wales Audit Office of the Council's Development Control Service. These were a combination of the PIs reported nationally, which concentrated on the speed of determination and those considered important by the Council in terms of quality of the Service and our customers' satisfaction with it.

2.2 Subsequent to this, a second WAO audit was undertaken in 2010 specifically to consider issues of governance. The Council considered this in November 2012, when it was resolved to retain the committee structure, and to monitor it at the end of each municipal year in terms of speed of process, outcomes and cost effectiveness. This is the second such monitoring report presented to this Committee, the first being in August 2013.

2.3 The Council is committed to providing a high level of public services, and as part of the agenda to become one of Wales' better authorities, the aim has been adopted of achieving second quartile, and then top quartile, status when compared with other Welsh Councils. Targets have been set to achieve this.

### **3.0 Applications Service.**

3.1 The PI's for the processing of applications are divided into the four categories of major, minor, householder, others and overall determinations.

3.2 The performance for 2011/12, 2012/13 & the targets for 2013/14 are set out in Appendix A:

3.3 In summary, benchmark targets set in 2009 in respect of speed of determination were met in 2013/14 reflecting a continued improvement since 2011/12. Whilst speed of determination for minor and householder developments falls just below second quartile performance an improvement in the speed of determination of major applications over this period coupled with first quartile performance for all other applications has resulted in an overall performance in Swansea which matches that of the Wales average (72%).

3.4 The 2009 PI for the percentage of applications approved, which is a reflection of the strength of the pre-application advice service, published up to date Supplementary Planning Guidance, and negotiation with applicants and their agents, was met.

3.5 Notwithstanding these levels of performance, the Service has undergone a detailed appraisal, assisted by the Business Performance Team in target setting, to consider changes to business practices to provide a swifter quality service that meets the needs of our customers and supports fully the Council's economic regeneration goals.

3.6 To better inform this review, best practice elsewhere has been studied previously, with officer visits made to Welsh and English Authorities who have introduced "front loaded" customer orientated services, with appropriate business process orientated software to support professional officers in service delivery.

3.7 This exercise has resulted in the procurement of the Idox Document Management System, which was introduced in September 2013, with revised staffing structures and business practices being introduced in August of this year to maximise its benefits, and secure other efficiencies and savings arising from an on-line "paperless process".

3.8 The intention is that service delivery will be improved without a diminution in customer service or development outcomes.



#### **4.0 Customer Satisfaction**

- 4.1 As part of an appraisal of the Service following a consultant's report by SOLACE in 2005, 100% user surveys of applicants and their agents and interested parties were instigated. The 2009 PI set for these was 85% satisfaction with the Service for applicants and their agents, and 75% for interested parties.
- 4.2 These have consistently been met, with figures of 93% and 78% satisfaction being achieved for 2013/14. No comparative statistics are published for other Authorities, so targets to achieve second and first quartile status can not be set.

#### **5.0 The Appeals Service**

- 5.1 No PI was set for the Appeal Service in 2009 because it had not formed part of the WAO review. However, the performance in 2013/14 was 56% which is lower than that for 2012/13 (58.5%) and that for 2011/12 of 61.7%. In all three years this fell below that needed to meet second quartile status.
- 5.2 However, the Appeal Service does not operate in isolation. The ability to defend refusals at appeal is inseparable from the quality of the decision appealed. Improvements to performance are inextricably linked to good decision taking.
- 5.3 Analysis of appeal data shows that out of the 66 appeals decided in 2013/14, 14 (21%) were the result of decisions made contrary to officer recommendation at Committee of which only 5 were upheld i.e. a Council success rate for defending the Committee decisions of only 33%.
- 5.4 When the Council fails to successfully defend appealed decisions, and is subsequently held to have acted unreasonably, reasonable costs may be claimed against the Council by the appellant. The Council has been found against in two such claims since my last report in August 2013, both of which related to applications refused contrary to recommendation by Committee with the total amount paid out of the Planning Service budget amounting to some £3,345.31.

#### **6.0 The Enforcement Service**

- 6.1 The Enforcement Service has one statutory PI. This measures the number of breaches of planning control that are resolved within twelve weeks. The targets set for this PI were missed in both 2011/12 and 2012/13, although there was an improvement in performance in 2013/14 relative to the previous years. This resulted in part from long term sickness and other vacancies within the small team. These have been resolved, and additional staff allocated to the service to address the backlog of complaints to be investigated.
- 6.2 However, the PI is a "blunt instrument" as it fails to monitor the level of complaints received, and the customer orientation of the Service in terms of initial contact with complainants and initial investigative site visits. A new PI to address these issues has been developed, relating to the number of site visits made within 10 days of the receipt of a complaint which has shown an improvement from some 21% in May 2013 when the measure was first monitored to 41% in the first 12 months to April 2014.

## **7.0 Area Committee Performance**

- 7.1 In addressing the findings of the Wales Audit Office's recommendations in its report "Review of Planning Committee Arrangements - 2010", the Council resolved *"that the current planning governance structure is retained, with annual reviews of performance at the end of each financial year, and that a further review of the structure is made in the light of future published Welsh Government guidance when that guidance becomes available"*.
- 7.2 In the light of this, and the WAO's acceptance of the Council's decision, the performance of the Area Committees in terms of speed of decisions, site visits undertaken, and decisions contrary to officer recommendations is to be monitored.
- 7.3 Comparative details are set out in Appendix B. These show that the overall percentage of delegated decisions increased from 89% in 2012/13 to 92% in 2013/14; that the percentage of applications called to Committee in Area 2 has reduced from that in 2013/14 from 15.5% to 8.6% which is marginally greater than that for Area 1 (6.0%); and that the percentage of decisions taken contrary to the officer recommendation in 2013/14 was significantly greater in Area 1 than Area 2, 51% as opposed to 19.7%. This reflects a significant increase in "overturns" by Area 1 Committee since 2011/12 (6.7%) at a time when the number of applications determined by Area 1 Committee has increased marginally from 30 to 37.
- 7.4 The number of decisions made contrary to officer recommendation is now monitored and published by Welsh Government in the Development Management Quarterly Survey, an extract of which is reproduced at Appendix C. This provides comparative data for all Authorities in Wales and indicates that the percentage of "overturns" by the Authority in the 12 months to April 2014 remains consistently above the Welsh average.
- 7.5 Notwithstanding this, the level of delegated decisions is high (91% in 2011/12, 89% in 2012/13, 92% in 2013/14).
- 7.6 Turning to the issue of the disparity between the two committees in terms of call-ins and site visits, it is noted that Council amended the Constitution during the last Municipal Year to introduce a Chairman's veto into the call-in procedures and to require site visits to be carried out prior to the respective Committee meeting. This is reflected in the Committee performance for 2013/14 with a 31% reduction in the number of applications reported to Committee and a 100% reduction in deferrals for a site visit.

## **8.0 Financial Implications**

8.1 None

## **9.0 Legal Implications**

9.1 None

**Background Papers:**

Wales Audit Reports of 2008 & 2010;  
Council Report of November 2012;  
Report on Performance DM&CC August 2013

**Appendices:**

Appendix A – Performance Data for Applications, Appeals & Enforcement.  
Appendix B – Performance Data for the Area Committees.  
Appendix C – Development Management Quarterly Survey – Decisions Made  
Contrary of Recommendation

**1.1 Major<sup>1</sup> Applications Determined within 13 weeks of receipt**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance
11/12	40%	N/A	N/A	34%	43%	32%
12/13	40%	33%	40%	No data yet	No data yet	18%
13/14	40%	35%	45%	-	-	41%

**1.2 Minor<sup>2</sup> Applications Determined within 8 weeks of receipt**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance	Wales Average
11/12	40%	N/A	N/A	64%	70%	42%	No Data
12/13	40%	48%	58%	65%	72%	46%	61%
13/14	40%	55%	65%	67%	72%	58%	64%

**1.3 Householder<sup>3</sup> Applications Determined within 8 weeks of receipt**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance	Wales Average
11/12	70%	N/A	N/A	86%	90%	74%	No Data
12/13	70%	76%	87%	85%	87%	80%	83%
13/14	70%	86%	90%	93%	88%	80%	85%

**1.4 All Other<sup>4</sup> Applications Determined within 8 weeks of receipt**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance	Wales Average
11/12	60%	N/A	N/A	75%	82%	66%	No Data
12/13	60%	66%	74%	76%	84%	67%	69%
13/14	60%	75%	83%	72%	77%	87%	68%

**1.5 All Applications Determined within 8 weeks of receipt**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance	Wales Average
11/12	60%	N/A	N/A	73%	77%	64%	No Data
12/13	60%	65%	69%	74%	79%	67%	70%
13/14	60%	65%	69%	74%	79%	72%	72%

<sup>1</sup>Applications for more than 10 dwellings or a site area of 0.5 hectares or more; or if commercial, one with a floor space of 1,000 square metres or more, or if the floor space is not given, an area of one hectare or more.

<sup>2</sup> Applications for less than 10 dwellings or a site area of less than 0.5 hectares; or if commercial, one with a floor space of less than 1,000 square metres, or if the floor space is not given, an area of less than one hectare.

<sup>3</sup>Applications within a domestic curtilage.

<sup>4</sup> Applications for certificates of lawfulness, consent for listed building works, conservation area consent, prior approvals, tree felling etc.

**1.6 Percentage of Applications Approved.**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance	Wales Average
11/12	85%	Not set	Not set	90%	93%	86%	No Data
12/13	85%	Not set	Not set	91%	95%	90%	91%
13/14	85%	90%	93%	92%	94%	86%	91%

**1.7 Percentage of Planning Appeals (not enforcement) Successfully Defended**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance	Wales Average
11/12	Not set	Not set	Not set	66%	75%	61.6%	No Data
12/13	Not set	Not set	Not set	No data	No data	58.5%	-
2013	Not set	65%	68%	-	-	56%	61%

**1.8 Applicants' Satisfaction with the Service**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance
11/12	85%	Not set	Not set	No data <sup>5</sup>	No data	88.0%
12/13	85%	Not set	Not set	-	-	97.4%
13/14	85%	95%	98%	-	-	93%

**1.9 Third Parties' Satisfaction with the Service**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance
11/12	75%	Not set	Not set	No data	No data	83%
12/13	75%	Not set	Not set	-	-	86.9%
13/14	75%	86%	90%	-	-	77.5%

**1.10 Consultants' & Agents' Satisfaction with the Service**

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance
11/12	Not set	Not set	Not set	No data	No data	No data <sup>6</sup>
12/13	Not set	Not set	Not set	-	-	-
13/14	Not set	85%	90%	-	-	85.9%

<sup>5</sup> As yet other LPA's do not publish customer satisfaction data.

<sup>6</sup> First survey undertaken August 2012

**1.11 Enforcement – Percentage of Cases Resolved Within  
Twelve Weeks**

<b>Year</b>	<b>Target set in 2009</b>	<b>Acceptable Level</b>	<b>Target to Aim For</b>	<b>Wales 2<sup>nd</sup> Quartile</b>	<b>Wales 1<sup>st</sup> Quartile</b>	<b>Performance</b>	<b>Wales Average</b>
<b>11/12</b>	Not set	Not set	Not set	70%	79%	48%	No Data
<b>12/13</b>	Not set	60%	66.5%	No data yet	No data yet	36%	No Data
<b>13/14</b>	Not set	55%	60%	72%	80%	40%	62%

## COMMITTEE ANALYSIS EXERCISE

Years	Area 1 Applications Received	Area 2 Applications Received	Area 1 Applications Processed	Area 2 Applications Processed	Area 1 No's Determined by Committee	Area 2 No's Determined by Committee	Area 1 % Determined by Committee	Area 2 % Determined by Committee	Area 1 % deferred for site visits	Area 2 % deferred for site visits	Area 1 % determined contrary to recommendation	Area 2 % determined contrary to recommendation	Area 1 % Delegated	Area 2 % Delegated	Area 1 % < 8 weeks	Area 2 % < 8 wks	Area 1 % Approved	Area 2 % Approved
2011/12	704	956	594	827	30	113	5.05	13.7	67	53	6.7	15	95	86.3	74	56	87.4	84.6
2012/13	562	791	500	779	36	121	7.2	15.5	22	10	19.4	14.9	92.8	84.5	74	62	86	89
2013/14	740	996	652	896	37	71	6.02	8.6	0	0	51.3	19.7	94	91.4	73	71	81	88

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## Percentage of Delegated Decisions

Year	Target set in 2009	Acceptable Level	Target to Aim For	Wales 2 <sup>nd</sup> Quartile	Wales 1 <sup>st</sup> Quartile	Performance
11/12	Not set	Not set	Not set	89%	92%	91%
12/13	Not set	Not set	Not set	No data yet	No data yet	89%
13/14	Not set	90%	92%	-	-	92%

APPENDIX C

Welsh Local Planning Authority	Total Contrary to Recommendation					Total Decided					Percent Contrary to Recommendation				
	Q1 13	Q2 13	Q3 13	Q4 13	Q1 14	Q1 13	Q2 13	Q3 13	Q4 13	Q1 14	Q1 13	Q2 13	Q3 13	Q4 13	Q1 14
Blaenau Gwent CBC	0	0	1	1	4	164	91	89	72	92	0.0	0.0	1.1	1.4	4.3
Brecon Beacons NPA	0	0	1	0	0	84	116	159	127	103	0.0	0.0	0.6	0.0	0.0
Bridgend CBC	0	0	0	0	0	196	242	230	199	197	0.0	0.0	0.0	0.0	0.0
Caerphilly CBC	2	1	0	0	0	202	228	257	263	196	1.0	0.4	0.0	0.0	0.0
Cardiff CC	0	3	1	1	1	481	553	659	597	618	0.0	0.5	0.2	0.2	0.2
Carmarthenshire CC	0	6	1	2	3	303	388	431	416	404	0.0	1.5	0.2	0.5	0.7
Ceredigion CC	1	3	8	1	4	150	189	188	161	153	0.7	1.6	4.3	0.6	2.6
Conwy CBC	1	0	0	0	0	178	180	221	219	192	0.6	0.0	0.0	0.0	0.0
Denbighshire CC	2	2	4	1	1	150	255	229	257	244	1.3	0.8	1.7	0.4	0.4
Flintshire CC	2	0	6	1	4	218	271	286	254	250	0.9	0.0	2.1	0.4	1.6
Gwynedd CC	2	0	0	3	1	227	280	309	246	229	0.9	0.0	0.0	1.2	0.4
Isle of Anglesey CC	0	1	2	1	0	163	211	208	188	186	0.0	0.5	1.0	0.5	0.0
Merthyr Tydfil CBC	0	0	0	2	0	86	123	99	98	72	0.0	0.0	0.0	2.0	0.0
Monmouthshire CC	2	1	4	2	1	225	221	223	214	224	0.9	0.5	1.8	0.9	0.4
Neath Port Talbot CBC	0	0	0	1	1	182	221	262	215	209	0.0	0.0	0.0	0.5	0.5
Newport CC	0	0	1	0	0	260	273	329	287	260	0.0	0.0	0.3	0.0	0.0
Pembrokeshire CC	3	0	1	0	0	196	231	206	208	163	1.5	0.0	0.5	0.0	0.0
Pembrokeshire Coast NPA	1	0	1	1	2	83	108	108	122	131	1.2	0.0	0.9	0.8	1.5
Powys CC	1	9	5	4	5	240	305	275	258	262	0.4	3.0	1.8	1.6	1.9
Rhondda Cynon Taff CBC	7	20	7	6	7	222	283	303	321	260	3.2	7.1	2.3	1.9	2.7
Snowdonia NPA	1	2	1	0	0	89	127	141	125	115	1.1	1.6	0.7	0.0	0.0
Swansea CC	9	4	10	4	9	301	442	391	442	366	3.0	0.9	2.6	0.9	2.5



**APPENDIX C**

Torfaen CBC	2	0	0	0	0	87	123	112	110	109	2.3	0.0	0.0	0.0	0.0
Vale of Glamorgan CBC	1	0	1	0	1	200	252	291	257	267	0.5	0.0	0.3	0.0	0.4
Wrexham CBC	2	0	2	1	2	153	168	193	151	151	1.3	0.0	1.0	0.7	1.3
<b>WALES TOTAL</b>	<b>39</b>	<b>52</b>	<b>57</b>	<b>32</b>	<b>46</b>	<b>4840</b>	<b>5881</b>	<b>6199</b>	<b>5807</b>	<b>5453</b>	<b>0.8</b>	<b>0.9</b>	<b>0.9</b>	<b>0.6</b>	<b>0.8</b>